

Closed Caption Log, Council Meeting, 08/06/09

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>> Sister patricia bachman, dc, mission integration with the seton family of hospitals. Please rise. Welcome, sister.

>> Father, we ask your presence to be with us today and every day. May we be true to the responsibility entrusted to each of us. Guide our discussion and decision making. Stimulate our conversations and empower each of us to be open with one another. As you guide us through this meeting, help us place all in your hands. Gracious god, creator and giver of all that we have, we stand in profound gratitude. Amen.

>> Thank you, sister. Please be seated.

>> Mayor Leffingwell: A quorum is present, so I will call this meeting of the austin city council to order. THURSDAY, AUGUST 6th, 2006.

[Sic] we're meeting in the council chamber, city hall, 301 west second street, austin, texas, called to order at 10:02. For action items on the morning consent agenda, i have two changes and corrections which is kind of unusual, but we'll go with it. Items 7 and 8 have been postponed until august 20th, 2009. Our schedule for the day for 00, general citizens communication. 00 briefings will be a presentation by the etc institute on the results of the 2009 city of austin survey. And the presentations by wallace robertson todd regarding the comprehensive plan advisory committee. 00 we will have the austin housing finance corporation board of directors meeting. And write after that, at 00, we'll have the tax increment financing board. 00, the mueller local government corporation board meeting. 00, we'll take up our zoning matters. 30, we'll have live music and proclamations, featuring tonight the fire 00 we will have our public hearings. The consent agenda this morning will consist of items number 1 through 43. The following items have been pulled from the consent agenda for discussion. Those are number 5 and 6, who were pulled because of 9 is pulled by councilmember morrison, item 11 is pulled by staff related to the and interlocal government meetings, which we will take up after we hear from those two briefings. 23 is pulled for 33 is pulled by councilmember shade. And from the clerk, are there any other

items on the consent agenda? That have more than one speaker signed up wishing to speak.

>> No, there aren't.

>> Mr. mayor?

>> Councilmember?

>> Item 36, are we taking that up with the water treatment -- before we get to --

>> Mayor Leffingwell: 36?

>> Riley: 36.

>> Mayor Leffingwell: Are you talking about the zoning matter?

>> No, water conservation measures.

>> You want to pull item no. 36.

>> Mayor Leffingwell: Okay. Number 36 is pulled by councilmember riley. And for the clerk, do we have any items for which only one speaker is signed up?

>> Yes, item 34 and item 36.

>> Mayor Leffingwell: Who is the speaker signed up on item 34?

>> [Indiscernible] that is -- actually two on 34 actually. Hold on one second.

>> Mayor Leffingwell: It is the music department?

>> Clerk: yes. Ross smith.

>> Mayor Leffingwell: Ross smith? 36 Has been pulled off the consent agenda. We will address that later.

>> All right.

>> [Indiscernible]

>> Mayor Leffingwell: All right. What is your name? Sylvia [indiscernible] signed up to speak on 34. Please come forward you have 40 -- 3 minutes.

>> Also there's another speaker on 34 now, we have two.

>> Mayor Leffingwell: Well, 34 is pulled off the consent agenda now.

>> Martinez: Mayor, just fyi, we plan on withdrawing number 34 completely from the agenda.

>> Mayor Leffingwell: Pardon?

>> We plan on withdrawing number 34, the makers, the cosponsors.

>> Mayor Leffingwell: All right. We will amend the consent agenda to include the withdrawal of item no. 34. So -- so that item is withdrawn from the agenda. So I'll entertain a motion to approve the consent agenda. Motion by councilmember spelman. Seconded by councilmember martinez. Any comments by councilmembers? All in favor say aye.

>> Aye.

>> That passes on a vote of 7-0.

>> Mayor, councilmember cole is not on the dais.

>> Mayor Leffingwell: Thank you. Councilmember cole is not on the dais so the -- so the vote is 6-0 with councilmember cole off the dais. And I should also state that the board and commission appointments are as indicated in the updated yellow sheet. .. consent agenda approved on a vote of 6-0-1 and we will take up right away item no. 33. Councilmember shade?

>> Shade: Number 33 is an item that authorizes the corporation of an independent texas not for profit corporation called the pecan street project. It's an item that -- that councilmember morrison and myself our offices have been working diligently on with several partners. The partners in this project include austin energy, the university of texas, austin technology incubator and environmental defense fund and the greater austin chamber of commerce. And the beauty of this project is that it isn't actually a city project but rather an independent collaboration among all of the partners that I just mentioned. Along with many, many citizens who have been volunteering and participating in a variety of our activities. What this item does is create the entity itself and initially the partners had contemplated that -- that former councilmember brewster mccracken would be the executive director of the entity, that was in the original document that we were going to be voting on today. But in the 11th hour, late yesterday, we discovered that -- that there is a -- in the ordinance a revolving door policy that prevents an executive director of an entity that contracts or does any kind of business with the city from being a former councilmember during a period of two years. And that creates obviously some challenges for the partners. The city, austin energy, as well as our other partners, university of texas, chamber of commerce, and -- and environmental defense fund because we would not want to have an executive director who could not talk to councilmembers about -- about the activity of this project and of course with myself and roger duncan serving on the board of directors it would be very complicated for an

executive director not to be able to communicate with two of his board members. So it is my recommendation that we proceed in the creation of the entity, but that the board itself will -- will have to determine what to do about hiring executive director at a later date. I have spoken with councilmember - former councilmember, former mayor pro tem brewster mccracken, he is aware of this is and is dedicated as ever to the success of this project and asked that we continue to create the entity. We're on a pretty tough time frame in that we need an independent entity to be able to apply for the stimulus funding that's available and the time line on that is very soon. In late august and sent. Again, I have spoken with the other partners. They are in support of the creation of this entity. But the difference in the documents that originally posted and those that we're going to see today is that there is no executive director named and councilmember morrison and myself will come back to you all as quickly as we can -- with any other updates as we talk to the other partners. If anybody has any questions on the dais --

>> Mayor Leffingwell: Councilmember morrison?

>> Morrison:.

>> Thank you, councilmember shade for all of your work on this, I know there was late breaking information and all. I think it would be helpful when deliberations start on who actually is an executive director, will be, if you could keep us all informed of the considerations and allow for input from your colleagues on the dais.

>> Shade: Absolutely. That is contained in this ordinance, I should have been even more explicit in stating that, that any expenditures or activity of this entity that my job as a member on behalf of this council to continue to keep the rest of the council and the rest of the citizens updated as we proceed. Thank you.

>> Thank you.

>> Mayor?

>> Councilmember? Minor martinez?

>> Martinez: I just wanted to ask the city manager and city attorney to respond a little bit to what happened. Because in this case this is a project that's critically important to us. That we're all very supportive of. It's not a big surprise that we have been working on this. But had we not asked the question this week, you know, we would -- we would have -- we would have potentially gone into a -- a legal transaction with a former councilmember. So I want to know what is our process for reviewing agenda items and was this item reviewed?

>> Mayor pro tem, karen kenard with the law department. We did review this item. It wouldn't have been an illegal transaction. The city could have stilled signed off on it. The prohibition in the code is to the individual. The way that the integrity office interpreted the code was that communication and potentially the contract with the entity would have caused that former member to violate the code. So it's not the

city's illegal activity. It would have been that former members violation of the code. I have to apologize to you, mayor pro tem and councilmembers, we just missed it. We had been focusing on the creation of the entity. We focused on there was some other conflict provisions. As you will see, there's a specific waiver of some conflict provisions, but this was just not an issue that in -- you know, sorting out the issues that we were thinking about the former councilmembers violation of the code. But I just want to be very clear that I don't think there was anything in the original ordinance that -- that council would have been violating.

>> Thank you.

>> Uh-huh.

>> I do want to say thanks to everybody who has worked hard on this, including former mayor pro tem mccracken who -- who obviously is continuing to work hard on this. In spite of the fact that he would not be able to serve as executive director of the entity.

>> Can I ask a question of the city attorney?

>> Yes, sir.

>> Mayor Leffingwell: Is this agreement, is this item structured in a way such that we are prevented from entering into an agreement which could be made illegal by the action of the other party?

>> We don't really have an agreement with the pecan street. What we have is an ordinance where the council is basically saying that you approve of their creation. They're an independent entity they're going to go off and create. We have provisions in the ordinance that specifically say that any -- any kind of financial transactions, monetary benefits, that you would get a monthly report on that. But the prohibition against the former councilmember is still out there. I mean, he has to still be wary of making contacts or making any kinds of -- entering into any kind of contracts that -- that -- where he might potentially violate that. But there's nothing in here where the city that i believe would be violating any provisions of our code.

>> I want to add because -- it means if I were no longer a councilmember and I went on to become let's say the executive director of an organization like people people fund does work with the city. So they probably wouldn't want to choose a former councilmember until the two year window had passed. I don't think that the rest of the partners want to choose -- have an executive director who would be prohibited from talking to two of his board members and to the rest of the city on a matter that he was directly involved with.

>> Thank you, councilmember. Did you have a comment, something to add there?

>> My microphone -- now it's working, okay. Mayor, I just wanted to make sure, it sounded like part of your question was would council today be authorizing an entity to be created but could somehow bind

the city or take action that would be the city.

>> No, sir. There is no action that the council is taking that will bind the city to anything. The only thing that the ordinance does, you are authorizing and approving, you are kind of saying we like this idea, go forth and do it. That independent entity then goes forth and does that. You are setting out I guess basically your comments about why you think this is a good idea to do it. There is that one provision that I have spoken to whereby there is a provision in the code that is being laid that relates to specific decision makers being involved in an entity that may be funded by the city. But that's why that is in there, but there's nothing in there that specifically binds this council to do anything related to this particular entity that's being created.

>> Mayor Leffingwell: I guess it all boils down to we reserve the right to withdraw at any time. Depending on the circumstances.

>> Specifically in the because you are saying that -- in the bylaws that you approve of, the only change to remove the former councilmember's name, the bylaws all of the entities to do whether or not they want to continue so as a member of this group, this body could say to your members we no longer want to participate in this group. That is included -- that is included in the bylaws of that entity.

>> Mayor Leffingwell: That answers my question. Councilmember Cole.

>>

>> Cole: I want to be absolutely clear because we caught this issue, the city has done nothing illegal and the former councilmember has done no illegal.

>> The city -- there was nothing in the code provision aimed at the city. It only impacts former individuals who have sat on the council. It's only individual to the councilmember. As far as anything illegal that the former councilmember has done, I'm not aware of anything of that nature.

>> Mayor Leffingwell: Is there a motion?

>> Shade: Motion to approve.

>> Mayor Leffingwell: Motion by councilmember Shade to approve the item. Seconded by councilmember Morrison. Any discussion? All in favor say aye?

>> Aye.

>> That's approved on a 7-0 vote. Thank you. Also -- also I would like to announce, now, if there's no objection from council, that we take up items 5, 6 and 36, at a time certain of to align it with the other related item, item 56, which is already set 00 p.m. as a zoning matter. Is there an objection to that schedule? Hearing none that will be the plan. Again, without objection, I will take up item 23 next,

because it's only pulled from the agenda because there are two speakers. The first speaker is -- gus pena. I believe there's an error on the speaker sign-up system because we have two gus penas on here.

[Laughter]

>> councilmembers, mayor, thank you very much, city manager, gus pena. 23 has to deal with the -- with the swine flu vaccine and to the tune of -- of 800 doses. One of the things that I mentioned to the county commissioners court, judge over there, they have been very helpful. We need to do an aggressive education, prevention, outreach to the community. As we speak now the swine flu has not abated and actually has increased in contamination of individuals, a word to the wise, we can have our health authority do any kind of outreach and education prior to school starting, because it's very important. School you have all of these kids and you have the flu, you have colds, you have everything, it is more susceptible to contamination in a crowded environment such as a school. I thank the city for thinking about purchasing the -- I believe it's called tamiflu to be used in response to the h 1 n 1 swine flu virus, a lot of people have a risk of being contaminated and affected by this deadly disease if they do not have any kind of -- other than this flu treatment. It is very deadly. So I know there has been a death last month and a half. That's all that I have to say about that. I think it's very important that people are continuing to educate in measures and prevention and exposure and to possibly exposure and contamination. It is an epidemic. Let's treat it like it's deadly. Continue to do an authoritative outreach program in spanish, also the neighborhood papers and media. Please don't wait until the first day of school to start. Mayor Leffingwell, I know that it's -- an item on number 23, I want to thank you and matt kirk. There was a family that needed transportation problems, I am most appreciative for you helping out the community. I also want to thank e.m.s. For all laying the fears -- allaying the fears involved in accidents on mopac and 290. I want to thank the group. Traditional we don't, I want to thank you all very much for the help that you do for the public. Mayor, thank for you the time and keep up the good work, mr. ott. I will be keeping up with the budget.

>> Mayor Leffingwell: Thank you, mr. pena. Is there a motion to approve item no. 23? Moved by councilmember morrison. Seconded by mayor pro tem. Any discussion? All in favor say aye?

>> Aye.

>> That passes on a vote of 7-0. 9, which was pulled by councilmember morrison. Councilmember?

>> Thank you, mayor. 9 is an item for us to move forward with building improvements for the austin regional intelligence center, I wanted to take this -- this is what's known as a data fusion center. I know there were a lot of questions about that. I wanted to take this opportunity to make sure we all understand what this is going to involve and what the time line will be. So I -- if I could get the city manager, I think perhaps the police chief might be the best person to help me understand and make sure that the public understands, because I've been getting a lot of questions about it. What this is going to involve, good morning, chief.

>> Good morning.

>> I wonder if you could give us an overview of what the city is, what it will be doing, what's the time line.

>> Thank you mayor and council this opportunity to talk to you this morning about the austin regional intelligence center. This is a center that has been in the works for the past almost two years. About a year and a half ago, we received [indiscernible] designation in the greater austin area, urban area securities initiative. With that came funding specifically to deal with the threat of terrorism. Here in the austin are we are in the process of getting our regional center up and running. Our goal is to have it up and running by december. What this center will be doing, it's an all crimes, all hazards approach to really sharing information with the agencies here in central texas, criminal data, to try to connect some dots in terms of emerging criminal threats and in terms of -- of investigating and solving crimes. One of the things that we do very poorly here in this part of the state is that -- is that we do not do a very good job of sharing information to try to solve crimes or try to bring justice to the victims of crimes. I wanted to -- to ensure and reassure the council and the community and the stakeholders that we are going to be looking at best practices in terms of privacy issues. One of the things that i have asked my staff to ensure and this group to ensure is that any type of document we prepare for distribution, any work product, has to go through the executive committee, the chair of that committee will be assistant chief david carter, who is our chief of staff. And is very well versed on what the -- what we have i think as a standard here in terms of privacy. Some of the highlights are that -- some of the agencies are going to be participating is the austin police department, hays county, travis county, williamson county, georgetown police department, round rock, pflugerville, san marcos, because we have an all hazards approach. In other words, the pandemic flu type of issues, also austin travis county health and fire to be part of this center. The center will be operating compliance with the department of justice regulations contained in title 28 of the code of federal regulations. I want the council really to know and the public that we're going to adopt very strict privacy guidelines that have already been written at the national level with -- in conjunction with the national aclu, the american civil liberties union, we will be sharing those policies and discussing it with the council so you can have a -- the opportunity to review it before we go operational. Also I know that john bush this year from the texans for accountable government. We have been communicating probably for the past year. I don't know where john is at. I know that he's in here somewhere. Our commitment to them and to the aclu and other stakeholders is that they will have the opportunity to review our privacy, our policies, our procedures, 's before we go operational.

>> Okay. And do you have an idea of when we might expect those to be available for review?

>> I would anticipate that -- that hopefully by the end of this month, we should have all of the policies ready for review. Again, our target date is in -- in december. One of the exciting things from -- for me about this, what you are voting on today is the fact that we are leveraging resources and by sharing that space the \$28,000 is paid for out of the grant, the federal grant, to do the buildout on the work space and basically the lease is i believe about a dollar a year with the department of public safety. Which is something we always talked about as partnerships to try to -- to do more with less. okay, one of the items of interest is exactly what data is going to be part of this. Is there going to be a listing out of all of

the databases?

>> It will be primarily arrest reports, incident reports. There has to be a criminal predicate in order for it to be in the system as part of our privacy policies. We can only maintain data for three years and only if necessary. I think what's really important for our community to know that the austin police department has really taken the lead in this endeavor. We understand the sensitivities of our community and the other agencies are going to have -- that are going to participate will have to be part of the plan and operating under the rules and guidelines set by the operating council which includes also our mayor as part of that task force as well.

>> For instance, we will soon have on line an automated license plate reader. I take it that won't be automatically tied into this database.

>> No there has to be predicated to specific criminal activity or reasonable suspicion of criminal activity.

>> One other questions that's been asked. Do we already have a fusion center somewhere in central texas or is this the first one.

>> Well, the state has a fusion center for the state. Quite frankly we haven't really done -- I have been here for two years. I think with the new leadership, with the new colonel, we're going to see a lot more cooperative efforts in terms of crime fighting here in texas since we now have one here in central texas. This is about the 73rd regional intelligence center in the nation. We are aware of mistakes made in the past in other fusion centers. I can assure you, you will see as we roll-out our policies and procedures, we will not make those same mistakes because our ultimate goal is not to be big brother, it to focus on crime prevention, if we see any emerging threats in terms of criminal threats and as crime prevention and to connect some dots and hopefully solve some crimes.

>> Thank you, I'm sure almost everybody, if not everybody, shares that goal with you in terms of crime prevention and I appreciate your sensitivity to -- to community's concerns, making sure that we go into this transparently and working to not repeat mistakes that have been done before.

>> Absolutely, that's our commitment.

>> Morrison: I move approval.

>> Mayor Leffingwell: I would like to say as the chief mentioned I'm part of the urban area working group, which met last week and includes officials from the five-county area and the vote to recommend this action was unanimous by is that group. So before you make your motion councilmember, we have 14 people signed up to speak.

>> Mayor pro tem.

>> Martinez: Thanks. Chief I wanted to thank you for the briefing that you and chief carter came and

discussed with me, the information that you shared. While the questions and concerns that I may have had have been relieved, what i would like to ask as we move forward is that as I noticed the mayor and the city manager and yourself and fire chief and e.m.s. Director and oem staff are all city folks that are on this. But if a year and a half ago you guys started meeting, you knew that you were going to receive money and move towards this fusion center, I would have hoped that we could have been able to alleviate some of these concerns and had these conversations way in advance of this week. So moving forward, what i would ask is that when policy considerations are being made, that the council, full council, stays briefed on it so that we can hopefully avoid some of this in the future.

>> Absolutely. My apologies for that, just so you know, we have had ongoing discussions with some of the stakeholders, as we finalized the final draft from our point of view on the different policies, rolled out through the council, to the mayor and council and to our stakeholders, we will roll that out. As well.

>> Mayor pro tem as chair of the urban area working group, I will give you my assurance that we will do the same thing. However, we don't meet again ..

>> Thank you very much.

>> Mayor Leffingwell: Thank you, chief. We do have speakers, so you might want to hang around. The first -- all of the speakers are signed up against, the first speaker is laura morrison -- laura martin and she has a donation of time from daniel nassar, danielle nassar. Is danielle in the room. Danielle, thank you, you have six minutes.

>> Thank you. Good morning, my name is laura martin and I'm a policy analyst with the american civil liberties union of texas. I would like to thank you for the opportunity to speak before you this morning. To begin, I would like to be clear that there are no national aclu guidelines for fusion centers. We would love the opportunity to discuss our concerns in a public meeting and the truth is that i first learned of this fusion center this week. I'm here this morning because the aclu of texas believes that fusion centers undermine our basic right to privacy and fail to make us safer. While I heard the chief talk about how fusion centers are focused on terrorism, but over time their approach has gone -- grown to all times all hazards methodology. We believe this is an alarmingly overbroad mandate. What that -- what the all times all hazards approach mean is that fusion centers harm the right to privacy by including not only arrest and information date, credit reports, library records, bank statement and even travel habits. Even data from the private sector is considered fair game in fusion centers. That means that airlines, retail stores, phone companies can all contribute information to these databases. With so much information on ordinary folks in these fusion centers, this creates a needle in a hay stack scenario that causes law enforcement agencies to waste time and money chasing false leads. Our concern from a public safety perspective is that real threats would go unaddressed because limited resources are being sucked away from targeting investigations. I want to share with you anecdotes of abuses of authorities that we have seen in fusions centers in both texas and standard the states. From a fusion center in collin county, a conspiracy between muslim civil rights organizations, lobbying groups and the anti-war movement and encouraged surveillance of this groups. In recently in virginia a fusion center referred to the states colleges and universities as "nodes for radicalization". Our concern is that reports like this

doesn't only impinge on the rights of these individuals falsely accused. They undermine democracy by chilling free speech. What assurance do we have that the council will not be duplicated here in Austin. They are shrouded in secrecy. and city of Austin needs to explain why this is necessary because there's already one in Austin. Public input to address these privacy protections, I welcome the opportunity to be present at a public meeting, address some of these concerns, learn about the plans for privacy protection, accountability and the plans for the fusion center do not move, if they do, the city needs to ensure that the public is involved and that their concerns are represented. Thank you.

>> Councilmember Morrison.

>> I wonder if I could ask the chief to answer a couple of questions that Ms. Martin has raised. First of all will there be any private sector data integrated into this --

>> No. Our intelligence center will not have any open source data. Only be arrest data and data from other police departments here that are part of our area network. The second piece that she mentioned was D.P.S. We do not share information and they are not part of this regional center.

>> Morrison: The third issue that got raised is in terms of the national standards that you said that we're going to be working on, you referred to ACLU having been part of them. So these are federal standards that ACLU participated in developing or can you explain the reference that you made.

>> The national ACLU was part of developing the privacy rights and standards adopted by the department of homeland security, which they were part of that process and blessed that process. We are taking that as our framework as the privacy policy that we are coming up. Something that we will share with the stakeholders here, including the Texas ACLU and local as well.

>> Morrison: I guess I will be interested to know whether or not the ACLU approved of the final product. Being part of the discussion, but what the outcome is, I will certainly be interested in knowing what ACLU's --

>> My understanding, I wasn't part of the negotiations with them in putting together the policy, my understanding is that they did not find them objectionable. The final policy. If you would like -- looking back, take notes to be followed through, we will do research and get you the specifics of who was part of that working group and what the final outcome was. Any news articles or anything else we can find about that process.

>> Morrison: Right, or if they have actual comments or recommendations with regard to the final product, I will certainly be interested in knowing what those are, too.

>> We will conduct that research and get it back to you as well.

>> Morrison: Thank you, I know that you will have some help from some folks in the back.

>> Yeah.

>> Mayor Leffingwell: russell, you have three minutes. We will reset for six minutes. obvious stakeholders is the aclu, we have not been invited to the table at this point. If you approve this today, there will not be a chance for us to relay these concerns, it will be a done deal. Back in 2003, I'm sure all of you are aware, that weren't on the dais at that time, we passed a resolution, we were under -- under attack by our federal government. And we -- we decided that we needed to protect ours here at home. Ourselves here at home. We protected ourselves via a resolution that protested the patriot act. This type of -- of center, the fusion center, is -- is byproduct of -- of those elements of the patriot act that we most protested. This city at that time resolution number 03092566 talked about preserving our civil rights and liberties and that -- that we should take all security measures to enhance public safety without impairing or modifying constitutional rights or infringing on civil liberties. When we hired chief acevedo, we were looking forward to the relationships that he was going to build with the community and to the discipline that he was going to implement in the department. We have seen much of that and are grateful. I also knew upon our first interview that we were going to have some problems with our fourth and fifth amendment rights and our -- I know his -- of his -- his wants to get a lot of -- to fight crime in this city through the federal government grants. He has admitted to going after -- wanting to go after every grant that he can possibly get his hands on. That doesn't make it right. What we need to do, you all have side time and again, that we need to look more carefully at these grants before they just appear on a council agenda. We haven't had a chance to do that. I don't know who the stakeholders are that were there. And we are still, still under threat by our federal government. In terms of our infringements. Just yesterday, in fact, reports that the white house, that president obama is asking -- asking for a new project asking -- asking our citizens to flag fishy claims about the health care plan. Arguing that it raises -- basically actually john cornyn our senator here asked him to cease in program male. We still have to protect ourselves from these infringements coming down from the white house. I'm sorry to say change has not come easily, we still have to fight for it. This fusion center does not protect the public safety. It is only amassing volumes of information. When he asked your question earlier about it's not open source, that doesn't have anything to do with your question. Those are two different things. We can talk about that later. I would also like to talk about -- people that have been targeted and people that we have said time and again through resolutions we are going to protect here in the city, that includes muslim americans, immigrants. We have said time and again we're going to protect that. These fusion centers have been targeting those populations, nothing you can say or do at this moment is going to prevent that from happening when you have the federal government and in particular homeland security involved, I ask you what one good thing has homeland security brought to our country?

[Applause] so consider -- consider the source. And consider that -- that we have too many agencies involved here for there to be real accountability. When you sign away on this. You are signing away your right to -- to oversee the aspects of this program. It will be shut down, closed down, the federal government will come in and put a blanket over it. This is what has happened time and again since 9/11 and ask you to please not take comfort in the fact that we're supposedly in a time of change. Because each and every day we see examples that tell us that we actually are not. Please delay this vote. Give us a chance to really bring you the concerns forward on a one-on-one basis to sit and talk with we have not had a chance to do so. We have not been invited to the table. So please delay this vote. Don't move

forward with this. I know each and every one of you on this dais is committed to protecting civil rights and civil liberties. I know that. I trust that you want to have this public debate and I appreciate councilmember martinez's call to again bring us these grants well ahead of time so that we can have this public debates when in fact policy is at stake. That has a very significant public impact. Thank you.

[Applause]

>> Mayor Leffingwell: Thank you. Next speaker is jim stetsman. Jim stetsman I hope I got that right.

>> [Inaudible - no mic]

>> Mayor Leffingwell: Right. Welcome, you have three minutes.

>> My name is jim stutsman, I'm a small business owner in this fine town of austin. But now I'm becoming concerned, especially with this idea of the fusion center. It reminds me of

[indiscernible] papers please, you don't fit so you are going to go over here. Every one of you on the dais, most of you are elected, some of you are just bureaucrats, so I would like the elected officials to remember your oath to defend the constitution. And when you get into this garbage of the fusion center, you're going to see privacy is -- protection is ripped apart. Some of the things that i have read on this, I can understand the chief bureaucrat wanting to protect the public, uphold the law, that's your job. But your job is not to be an intelligence gathering center like the gestapo. You saying all kinds of hazards, that's the social speak for controlling the public, taking away freedoms, stakeholders, that's another socialist thing. I'm not a stakeholder because I'm not buying into your game. You are elected, you protect the constitution and you protect it all the way. You protect my privacy, you protect my life and property, that's it. I have been reading this thing. They are going to gather information. I can see how you want to gather information on crimes and stuff like that. But what do you want my randall's card and my purchases for? What do you need to know what I buy at walgreen's? Why do you need to know how much beer I drink? That's what's going to happen. This is a camel's nose under the tent. We elect officials and we get taxed, taxes never go away. I want you to look at this realize you start this tilt down the slippery slope, it ain't going to go away, it's going to get worse. I'm becoming angry. I'm a citizen. And now I'm a watcher. I'm becoming very concerned with this. Thank you for listening to me.

[Applause]

>> Mayor Leffingwell: Thank you. Next speaker is john bush. Is john bush here. And john you have four people signed up donating time, james wilson in the room? Jim stutsman already used his three minutes so he didn't donate time to you. Heather king fazio, is that really you, I think that you have a mask on. Okay, I recognize you now. That's all right. Katy brewer.

>> Katy.

>> Thank you.

>> Mayor Leffingwell: Mr. Bush, you will have 12 minutes.

>> Thank you, council. You will have to excuse the mask. Fusion center, the whole idea of fusion center and surveillance cameras we have going, makes me a little bit paranoid. The software has been developed called the human i.d. program. On top of that they have the advanced facial recognition program which will actually allow for up to five thousand feet away, these surveillance cameras to scan your face, match it with the picture that we already have on the database thanks to and identify you as you are walking around in your daily activities. Not only that, but the advanced recognition, which you can bet your bottom dollar will all tie into the fusion center, will actually have the ability for behavior analysis based on the facial expressions that you are making. I'm not paying this up. This is all in the documents, called the total information awareness program, which interestingly enough is where the software for the fusion centers came from, agained genoa 2. I will lose the mask so you can see my behavior and analyze it [laughter] I wanted to make it clear that the chief said the fusion center is only going to deal with criminal behavior, that is not the case at all, as outlined in the -- they will have an all crimes approach, I will elaborate here in a second on the private sector component. I'm a big fan of the chief. He seems to be accountable and respect our privacy and whatnot. But the thing is, chief acevedo is not always going to be here. What I would like to see come from this council, from this body, this government, our elected representatives, solid guarantees that this privacy will not be abused. That we won't start with simple arrest records going into the database and end up with everything like jim said from the randall's scarred to the beer that you purchased. There is a retail component from the fusion center guidelines which are supposed to govern these fusion centers, I'm going to start, it's interesting the only article that covered the austin fusion center was from 2008, saying it would be up and running in 10 months. Luckily for us that hasn't happened yet, that was the only article really. Debbie russell referred to the resolution that was passed when the patriot act came out, this body stood firm protecting the civil liberties of the council. Preservation of civil rights and liberties is essential to the well-being of a democratic society. I think this is one of the most important tenants to come out of this. When you have surveillance cameras, intelligence gathering, disseminating apparatuses built in the united states, it kind of has a chilling effect on people's first amendment rights, especially when you see the abuses occurred not only in texas throughout the entire country. We are about to go into that to show that the fusion centers isn't something that should be rubber stamped. I know you have your hands full, budget, comprehensive planning, we can't allow it to be rubber stamped regardless of the assurances the chief may or may not give us. He hasn't told you the full story about the potential implications to our privacy and civil liberties that come along with the fusion center. The fusion center guidelines again is the main governing document for the fusion center apparatus. Two or more agencies that provide resources, expertise and information to the center with the goal of maximizing their ability to detect, prevent, investigate and respond to criminal and terrorist activity. Pretty big mouthful. It goes to mention that they want these databases to be interoperable. Everything that goes into the austin regional intelligence center will be then accessible by the department of homeland security, the department of , cia, national security agency, you name it. Once we create this node of information dispersal, everything is going to be able to get their hands on the intelligence gathered on we austinites. The chief may say it's good to go start on arrests, as i get into suspicious activity reports that tie along with this, they are actually

calling for for suspicious activity reports to be gathered for non-criminal behavior, a direct violation of federal code and the united states constitution. The anti-terror apparatus i called a monstrosity developed after 9/11 originated to protect us from foreign terrorists but now we see is being introverted applied in all crimes approach on united states citizens. I'll start by f.b.i. Bulletin from 2003, this is right after the war started in iraq, a lot of major protests were forming the f.b.i. was worried. Said most protests are peaceful, however a number of demonstrations including the biannual international monday inventory fund and world bank meetings more likely to be disruptive. should be on high alert any time there's a mass rally, a massing of public people which of course is protected by the first amendment. In maryland in 2006, i believe, 2005 and 2006, the maryland state police were directed by the federal government to place 14 the terror watch list based on their anti-war and pro environment, also right ring extremists, left wing and environmentalists, placed on the terror watch list. Straight up, no doubt about that. A complete abuse and chilling effect it places on our first amendment rights. Also during the republican national convention in minneapolis, 8 protesters were charged under the homeland security -
- [buzzer sounding]

>> no reserve coming more and more scrutiny. The ron paul crew, campaign for liberty organized and the federal lees, actually dispersed the military to keep an eye on these protesters because they are feeling threatened here, dispersing the military again has a chilling chilling effect. I'm not a man of the federal reserve but the military is there. The fusion center, four documented instances that i would like to go over where fusion center has actually been used against peaceful dissenters again creating a chilling effect and-- from the colorado independent. Colorado fusion center to step up intelligence gathering during the dnc federal and state law enforcement officials will increase intelligence operations during the democratic national convention. Central to the efforts is the colorado fusion center designated to facilitate intelligence sharing among federal, states and military agencies. Colorado. They were doing it. Here's one of the biggest ones, missouri information analysis center, the modern militia movement. It was leaked. It never would have come out. Painstakingly analyseses the militia movement bringing is under one unified front going over the past histories, violent extremism, talking about the re-emerges of the movement, which happened to be against, I don't like being labeled a militia member, i don't even own a gun. What this document primarily does is it -- what I feel it does gives law enforcement to be on alert that may share the same views as supposed extremist. You are the enemy, disseminated throughout the entire state of missouri. Militia subvibes to a anti-government anti-new world government mindset. They view the military, national guard, law enforcement as a force that will confiscate their firearms and place them in fema concentration camps, it's freaking out the law enforcement, putting them on alert to be aware of people that may or may not prescribe to this political philosophy. They say common militia symbols, political and anti-government rhetoric. Here's where this all boils down, we better not seem a document coming out of the austin regional intelligence center like this. Political par phenol i can't. This is what you need to be afraid of. These people think that you are going to put them in fema concentration camps. Be aware of these people, militia members most commonly associated with third party political groups, it is noting uncommon for display constitution party, campaign for liberty or libertarian materials, these members are usually supporters of former presidential candidate, ron paul, chuck baldwin, barback. I have a ron paul bumper sticker on my vehicle, I can say I'm not threat to the I don't even own a weapon. Whenever somebody gets pulled

over, it puts that idea instantly into law enforcement's head, perhaps they have an ak 47, maybe i should treatment them differently than I would have had I not read this document. Here we have the 2009 virginia terrorism threat assessment. Laura martin of aclu alluded to this earlier, she left out something that's pretty telling. An overview from division 1 in virginia. Terrorist extremist group presence. Two area universities are designated as historically black colleges and university. While the majority of individuals associated with educational institutions do not engage in activities of interest, it is important to note that the university based student groups are recognized as a radicalization node for almost every type of extremist group. There you go, historically black colleges and university are on the page, are on alert with the fusion center apparatus. I would hate to see the austin regional intelligence center labeled the houston tillotson college as a node for radicalization. Happening all over the country. Finally, laura martin alluded to this earlier, the north central texas fusion center right up the road in collin county, they are labeling anti-war activists as people that should be noticed. Council on international relations in the united states. Including one of the main anti-war and anti-israel protest movements in the called answer act now to stop war and end racism. Oh, no, terrorists, law enforcement should be aware of activities in the area. Given the stated objective of these lobbying groups and secret activities of radical islamic organizations, they are tying together radical islamic terrorists in a far away land with anti-war peace movements here in central texas saying the fusion center that law enforcement the chief of police everybody should be aware of it and watch it. It's imperative to report these types of activities to identify potential underlying trends emerging in north central texas region. There you go, there's an anti-war protest, you can bet your bottom dollar it will be reported to the fusion center apparatus.

[One moment please for change in captioners] ... credit card companies, credit report companies, include people's credit score in the fusion center a great idea. Education, we can get into daycare centers, preschools, colleges and universities. Energy, this is where the city of austin will come in, you will probably have to report. This also popped into my head will tie in the point of sale ordinance, everybody's information that will be put into this database will be collected by the fusion center, analyzed and disseminated to the federal government. Health and public health services [buzzer sounding] time's up. That ties in with the health bill that's coming in, all of the information collected and disseminated. In closing I ask you, urge you to please don't just rubber stamp this, obviously the debate has not been fully hashed out. We need major, major oversight. I want to see this have glass walls be the most transparent and accountable.

>> Mayor Leffingwell: bush, your time expired [applause] councilmember morrison?

>> Morrison: I'm sorry, mayor, are we through with the speakers.

>> Mayor Leffingwell: Those are all of the speakers.

>> Morrison: I -- I think everybody -- I thank everybody for their comments. I think we might have another speaker?

>> Mayor Leffingwell: These are all of the speakers on my list, if you would like to speak, just come

forward and announce your name, you will have three minutes.

>> I'm [indiscernible] fair child. Here's the deal about computers. I signed up. See? Computers are not infallible. I just heard about this yesterday. But I had opportunities to hear about the mistakes of other fusion centers and I guess you know have, too. Now have, too. One of the biggest -- okay, I'll say this. Even though chief Acevedo says no private data will be gathered here, the mind of the controllers can be changed at any time. So later on they may say, I'm not catching enough people, we're going to change our minds about that, effect a policy change, there you go. One problem that I have with the data banks is that they are scrutinizing the wrong people. They will be monitoring people who saw the movie from Freedom to Fear but not the government lobbyists that made back room deal to sell out their constituents. Computer center data bank corporation that's going to make a bunch of money off of this. They are going to scrutinize people who attend rallies and protests but not congressmen and senators who pass law preventing any recourse by citizens to shape their communities the way they want or stop projects they don't want. They're going to scrutinize people like me with bumper stickers on their cars but not officials or corporations who lie to the public either by omission, presentation of only their side of the issues or by outright lying. Who says who is a threat? Homeland security, a bad idea run amuck. According to HB 1955, I'm a home grown terrorist, you might as well lock me up right now. I resent the corporations and lawmakers without consciousness or caring are now running the show. I worry about what the current lack of public

[indiscernible] means for our future. I doggedly pursue the idea that public voices can make a difference and I use freedom of speech to further my considered thoughts about righting the wrongs that I see. This database is harmful in that it will scare the citizens into being quiet sheep for fear they be detained in the future for being out front about what they think. Few clever terrorists will find ways to outfox this system and go underground, keeping a low profile. Really the database won't prevent any genuine act of terror, instead it will be a terror itself. I urge you not to let this issue go further. Thank you.

[Applause]

>> Mayor Leffingwell: Good afternoon --

>> Mayor Leffingwell: Thank you, you are not on my list, either.

>> I signed up in the lobby.

>> Mayor Leffingwell: You did sign up.

>> Yes.

>> Mayor Leffingwell: Tell us your name, you have three minutes.

>> Erwin [indiscernible] I'm a public policy analyst with Texas Impact which is an interfaith state-wide public policy adequacy group with members from the Christian, Jewish and Muslim and other faith

community. Texas in fact is concerned with the developing intelligence architecture in Texas. We believe that the core of that architecture is the fusion center establishment movement. We believe it has not been managed adequately in the past to ensure effectiveness or safeguard the civil liberties of Texans. We are particularly concerned about the clear evidence of religious profiling that's already cropping up in Texas and beyond. Now, we don't oppose the establishment of the Austin fusion center at this time. Before you we do have two recommends -- but we do have two recommendations that we believe would ensure this would not be vulnerable to the abuses that happened in North Texas, Missouri, Virginia and Maryland have already been mentioned. First of all, despite there being 70 operational fusion centers around the country,

[indiscernible] national office of director of national intelligence, are not sufficient either to ensure mission effectiveness or to safeguard privacy and civil liberties. So we recommend that the city council establish a citizen and subject matter board or commission that would serve policy oversight and advisory board for the fusion center. This criminal intelligence board could follow the example of the Minnesota fusion center in Minneapolis. That has established add citizen commission that meets regularly with the fusion center director and over the past several years to advise them on setting policies and procedures but safeguard privacy and civil liberties. This is not only enhanced that fusion center's mission, effectiveness, but also provided support and awareness and transparency. In response -- number two, in response to the events of 9/11, the law enforcement community in the states has developed, adopted more intelligence-wide policing methods, we believe that these methods have often overlooked the wisdom of holistically addressing all hazards and crimes in partnership with the community as was kind of done before that. With community oriented policing methodologies. So we have recommended the city council clarify that -- that community oriented policing is the core law enforcement approach and we believe this would help the fusion center get off to a good start by adopting civil engagement programs similar to the Austin police department's citizens academy that's already in place. Very brief comment but we thank you for this opportunity to offer input and we look forward to seeing you guys moving forward with the project.

>> Mayor Leffingwell: Thank you.

[Applause] now we have one more speaker. Christie Wilkins. Okay, you are shown in opposition, thank you. Now, I believe that's all of the speakers that are signed up. That being the case, I will recognize councilmember Morrison.

>> Morrison: Thank you, mayor, I want to thank everybody for their comments. I think what the comments have made clear is that we as a community have not finished this conversation and it needs to be an broad and inclusive conversation and I think the council needs to hear that conversation and understand all of the concerns. That would be the best way serve the city for sure. I don't see any urgency in getting this fusion center up and running. I have to say that I have been frustrated over the past month as a new councilmember of getting into places where I don't like we have fully vetted the community conversation about particular issues, where we're going with various new technology items and all. So I believe that -- that it really would make sense to have this community conversation before we move forward. I think that it will be a more effective conversation if we aren't, you know, don't have

one foot down that path. I think that it could very well be -- we can get all of the items on the table, if there are ways to ensure that we all understand what private sector versus open source versus all of that means, what this community can be comfortable with. What the -- what the council as policy makers are comfortable with and make sure that we're in -- in the position of making those decisions, so with that i would like to withdraw my motion and change it to a motion to postpone this item, with a request that we work with the community and the staff to have that conversation as expedient as possible. My motion is -- [applause]

>> Mayor Leffingwell: Motion to postpone by councilmember morrison. Is there a second?

>> Mayor Leffingwell: Seconded by councilmember spelman for purposes of discussion.

[Applause]

>> Spelman: I would like to ask a few questions of chief acevedo if I could. Chief, this is on our agenda because we're accepting a federal grant from homeland security, is that correct?

>> Yes. We have already accepted that grant. This is actually to spend part of the funding of that grant.

>> Spelman: What's the rest of the grant for.

>> For the velocity designation that includes a -- the establishment of our city. Some of it is being used for emergency planning and supplies. But this part is the 200,000 to actually do the buildout for the facility at the d.p.s.

>> 200,000 Just for construction of a facility which would be the housing of the fusion center not to activities that would take place inside that building.

>> Correct.

>> When you accept that grant, a lot of discussions happened here in the last few minutes about the federal guidelines for fusion centers. You are aware of the federal guidelines. Did anything surprise you in the public hearing that we just heard?

>> Actually, no, I'm glad that you made the motion for a discussion, because i think there's a couple of things that I would like to address. One, we are well aware, this is why it's good not to be first sometimes when these kinds of things come out. The mistakes of the other fusion centers that have been made. Quite frankly I share in the concerns. We are not going to make those same mistakes, secondly, I think it's important for the council and the community to know the data that we are going to getting is predicated on criminal information that the agencies already have access to. The only difference that is the participating agency at the local level, will be an automated process where we will be able to connect some of the dots and analyze the investigative data which is something we ask do

now, but it takes phone calls, takes more time.

>> Spelman: The advantage from your point of view from having the fusion center is you have a space to share information that you have already got that you can already share.

>> Absolutely.

>> Spelman: Okay. Is this paying for any of the salaries, staff time on your part or other partner agencies part?

>> It provides -- we are going to be using the funding for one of the

[indiscernible] and using current resources.

>> Spelman: There's a little bit of money to pay some for some analysis?

>> Yes.

>> Spelman: When you accept a grant like this, are those doj guidelines discussed by other people, are those binding on this fusion center?

>> No, we can make it as restrictive as we want. We're not interested in the private sector data. It's basically sharing our systems on our arrest reports only when you have specific actual information. I would like to give an example how this would work. We have a drive by shooting in austin, texas. Drive-by shooting in austin, texas, all that we have is a blue ford -- blue chevy monte carlo, two door with a black top. In order for us to find out if that vehicle, one that matched that description has been involved in a crime in adjacent area, we have to make phone calls. What this would help us do, hypothetically after that drive by, that driver gets arrested for reckless driving in georgetown, 10 minutes after they have been involved in a drive by here, it would give us a clue as to the potential suspect and something we would be interested in. That gives us the opportunity to actually connect those dots to try to solve crimes without having to do the phone calls which really slows down the process.

>> Spelman: That means that you also have immediate access to the crime reports, the arrest reports, of travis county, pflugerville, round rock, other agencies.

>> Yes, sir. It's nothing new. It's what we have now. The other commitment that i would make that -- I think that we would -- we would never expand anything without the knowledge, complete knowledge of the community and without the discussion by the community. What we are proposing is really sharing information that's already available. But this gives us the opportunity to do it more -- more in a quicker fashion and gives us the opportunity to actually analyze the information to see if -- so we can solve crimes.

>> Let me see if I can put a boundary on criminal -- criminal reports are obviously inside the boundaries,

how about field interrogations, traffic stops.

>> We don't have plans for doing that now. However, that's something we may consider in the future. If we did consider that, we would bring it to everybody's attention because again going back to that example that I just shared with you, which is that monte carlo. Let's change the hypothetical where those folks get stopped for reckless driving but the officer instead of citing the person decides to fine their vehicle or give them a written warning. We would lose a potential lead on the crime. So it would be -- we may ask for that, but that would be as far as it would go. I would only do that with the full knowledge of the council and the community in the discussion before we expand anything into that side.

>> Spelman: Okay now so your current plans are stuff which is clearly inside the boundary of things like field interrogations which are in a gray area.

>> Correct.

>> Spelman: But would be useful from a technical point of view at least some of the time are not currently in your plans, before you would include them, how would we know whether or not you are going to talk about including field interrogations for example.

>> I couldn't hear that.

>> How would we know? How would the people in the room know that the fusion center was considering putting field interrogation databases in the fusion center. that we are signing would not have that on on there, we would know have the authority.

>> Spelman: So we have a memorandum of understanding that would include the policies in the fusion center and the kind of data that the participants will be using and not using.

>> Correct. The member agencies would have to agree to see to agree to be -- to adhere that.

>> Spelman: Everybody would have to agree to the same standards?

>> Yes.

>> Round rock says we have this great database, we would like to include it, the rest of you guys would not be able to include it because it's not in the memorandum of understanding.

>> Correct. But again if they have an fi system that we may just call them and ask do you have an fi card on this that we are looking for.

>> You can still make the phone call that you could have made.

>> Yes.

>> If there are changes in the memorandum of understanding, what are the changes -- what the procedure if.

>> It would have to go through the working group. Our commitment here, because we do have our public safety commission, is we would discuss it with them as well.

>> Spelman: The commission would know about it, the working group would know about it. With this be publicly available? Posted on the city's website or some other actual?

>> The actual policy?

>> Yes.

>> Spelman: Okay.

[One moment please for change in captioners]

>> Spelman: This is.

>> Critical question from my point of view. We've got the memorandum of understanding which passes muster with the aclu people, the members of the city council, anybody else who wants to take a look at it. No randall's cards, no beer purchases, everything is the way we would like it to be, how are we going to know this is going to be followed?

>> We are subject to an audit process at the city. We have an independent auditor with the city and I would have to defer to the attorneys, but I personally would not have a problem with audit to ensure that we're complying with what we're saying we're doing.

>> Spelman: So this would be an audit for the city's auditor or an external auditor? What did you have in mind?

>> Let me defer that to the lawyer, but I would not have a problem -- just like any other part of our operation.

>> Spelman: Okay.

>> David douglas with the law department and what the chief mentioned in terms of an audit would certainly be doable and that would be something that would be incorporated in the interlocal agreement and the operations plan that would be brought before you before this ever got up and running.

>> Spelman: Okay. So in the ma'am random of understanding and the interlocal agreement there would

be a provision that says we could audit you whenever we like or some reasonable restrictions but there would be an audit available. We could require one whenever we thought it was necessary and verify that you actually were following the policies.

>> Yes, that can be done.

>> Spelman: Okay.

>> Mayor Leffingwell: Mayor pro tem.

>> Martinez: I want to thank councilmember spelman for asking that question because it clearly shows this is simply a lease for a facility and there still is much more community conversation, stakeholder input and policy to be made moving forward. So again, I just think that while I know there are still some major concerns out there from stakeholders about a fusion center, I think we have time to answer those questions and that this agenda item is -- is really unrelated to those questions that still need to be answered. And I think this council has clearly shown where we lie on issues like invasive procedures by our police force and we continue to be ever mindful of that. So with that, I'm going to make a substitute motion to approve item number 9 with the assurance that have been given here clearly on the record that moving forward we will have this community conversation.

>> Second.

>> Mayor Leffingwell: Motion by -- substitute motion by the mayor pro tem to approve item 9, seconded by councilmember cole.

>> Cole: And I have one comment that I want to make regarding the auditing of the procedures in connection with the fusion center. We can, of course, do that in our audit and finance committee and councilmembers spelman is, you know,, of course, welcome to bring forward any number of hours that we need to commit to that, and that will be an open proceeding and any citizen is welcome to come to that. And councilmember morrison will also sit on that committee. So because of those audit procedures that are available, I seconded the motion and feel comfortable that this body can guarantee that a public process will occur in connection with this item.

>> Mayor Leffingwell: Thank you, councilmember. I would also add, I mentioned earlier that I'm chair of the urban area working group which also has oversight of this center, intelligence center, and in addition to that the public safety commission, the citizens commission would also have purview to exercise and the execution of it. So I will be supportive of the substitute motion as well. Again pointing out what the mayor pro tem said in making that substitute motion, it is at this motion is actually to negotiate and execute a lease for this property, which happens to be improvements on the property as well. Happens to be a very good deal. We are saving a lot of grant money that can be expended for other purposes by adopting this item today. Councilmember riley.

>> Riley: Mayor, just a question. I just want to make sure we all understand this isn't just about a

community conversation that will be going on but before this center is up and running, before it actually operates, we will have to approve and negotiate an agreement that sets forth the terms of its operation and that could include restriction that would address some of the concerns raised today. So before this facility ever operates, we will have another public hearing to review the terms that allow -- that govern the operation of the facility and that will require another vote before the operations actually begin. Is that correct?

>> Absolutely. Before we ever went operational, we cannot go operational unless this body votes on that memorandum of understanding and interlocal agreement which will include our privacy policy, but will lay out exactly what information is going to be utilized, the purposes of that information, the -- what information specifically can be tracked and for what reasons, and we'll have an audit provision in there. And quite frankly, I don't mind oversight because that protects myself and the police department. We welcome oversight and there would not be anything done until we actually vetted out actually the privacy policy. I want to vet it out with the public and these folks before we even bring it to you so hopefully we can have a lot of discussion up front and hopefully some kind of agreement we can bring forward to the council.

>> Riley: Okay. Okay. Mayor, with that understanding, that the facility won't actually operate until this comes back to us with an agreement for review and there's been a discussion about it and we're able to have a hearing based on the terms in black and white, the terms in writing that will govern the operation of this facility, with that understanding, I'll support the motion.

>> Mayor Leffingwell: Councilmember morrison and then spelman.

>> Spelman: When can we reasonably expect that interlocal agreement for our review?

>> We're going to have the privacy policy ready, our internal draft done by the end of the month. And so once we do that, we will get the -- we will set up a meeting very quickly with some of the groups out here and some of the public folks to weigh in on the policy, and then we will present it to the public safety commission and at that point we'll finish up with the interlocal probably by the end of september, october at the latest, and then you'll have plenty of time. The bottom line is we cannot go operational until you feel comfortable with the interlocal, so even though we have a target date of being operational in december, nothing precludes us from waiting until january, february or march or whatever it takes for this body to be able to vet the policy and procedures and feel comfortable with what we're proposing to do.

>> Spelman: Similar discussions will be taking place in round rock and pflugerville and commissioners court on the same issues.

>> Yes. All the different governing bodies, political bodies are having the same conversations and have to weigh in on this as well.

>> Spelman: So by the end of september, we should in a position to have a conversation about what

the exact terms are, what the policies are going to be, what you are actually going to do.

>> That's our target date, yes.

>> Spelman: Thank you.

>> Mayor Leffingwell: Councilmember morrison.

>> Morrison: Just a followup. I just wanted to get some confirmation about timing. You said your internal draft should be ready by the end of the month. Now, this is actually something that it's the same document that all these different governmental jurisdictions have to sign so if you've been working with - it's been worked among all of you a.

>> Yes. We have not been working in a vacuum. We've had working groups with the elected officials, also with the police chiefs and with the other entities involved. That's been an ongoing process and it is a step by step process and the next step is the actual agreement. The policy -- policy and then the interlocal for all of you to discuss and have a public hearing on.

>> Morrison: And have you been interacting with all these different stakeholders to gather input to --

>> no, because we haven't put together what we believe -- we want to have something to give them to chew on and to actually evaluate.

>> [Inaudible].

>> Well, that's what -- once we give them that framework of what we think --

>> Mayor Leffingwell: Chief, just a second. Comments are not in order so if any more are made like that, I'll have to ask you to leave the room. Go ahead, chief.

>> And that was john busher. He knows that I am committed to allowing him to weigh in on whatever we put together. We will consider whatever his recommendations are and then we either agree to adjust the policy or agree to disagree and then we'll bring to it this body for final consideration and you can hear both of our perspectives. I think we'll find more common ground than john thinks we will because his concerns a lot of them we share, and we know the mistakes he's talking about and we don't plan on making the mistakes. Kind of like my older brother, I learned from his mistakes. The older fusion centers, we're going to learn from their.

>> Morrison: My experience, chief, is that if -- if we gather, you know, input and concerns before we even generate our own internal draft, the end product ends up being a lot better because we don't, you know, head off -- it's easier to get things right in the first place as opposed to trying to correct things in the past. And so I would certainly urge you to try and touch base with some of these folks ahead of time as you are getting that internal policy. Because, you know, this is austin, it's not clear that these are

going to be concerns shared by other folks in different jurisdictions, maybe they will be. Okay, and I also, one of the other problems that we run into -- well, two problems we run into in community conversations, having enough time to have the public conversation and having the public conversation in a relaxed enough environment so that it really could be a conversation -- it really can be a conversation and aborted as opposed to what -- a back and forth as opposed to what happens in formal settings like boards and commission, three minutes and all of that. So two things. What kind of time line do you foresee in terms of once the draft, however it's created, is public to -- in terms of time before you would want to bring it to council. And do you foresee sort of a broader format for conversation beyond a commission?

>> Well, first part of that question, I want to reassure the council that we don't have an artificial date to go operational. We can push december back to however long it takes for this body to be comfortable with whatever the debate is or the discussion. One of the things that I want to do with -- because the aclu representative, I forgot her name, she's back there somewhere, wants to have a public hearing. Well, those public hearings sometimes turn into screaming matches right off the bat. I want to start when we have our draft with the aclu, with texas -- texas for accountable government, with maybe the civil rights projects and others to let those organizations weigh in, and once we kind of massage either collectively an agreement or an agreement to disagree, then I would like to have the public input and then at that point when we're done with it, we would bring it to you all so you can have all the data and you can have your publicon it.

>> Morrison: I agree I think what you are talking about is getting people around the table.

>> Absolutely.

>> Morrison: And then another comment I want to make in terms of, you know, individual assurances by officials in any capacity, i think one of the really important things about something like this is that the system define the constraints and the requirements for compatibility because it needs -- that system needs to live beyond you or me or anybody else that's going to be making assurances. So as you are developing what you and the community will be developing, I hope you'll keep that in mind.

>> Absolute. And I think with an audit process, you know, hopefully this system will still be here long after I'm gone and system is only as good an oversight and with the proper audit, it doesn't matter who the chief is and with proper oversight i don't think we'll have to look into it.

>> Morrison: And our auditors will have the authority to look at all the data that's in there because that's one of the issues.

>> Just off the top of my head, I think they will have the opportunity to look at to make sure we're doing what we're doing. I don't think they will have the authority to say they are looking at this guy who committed a crime. That may be a different matter but we'll look at all the aspects and you will know that going into a vote in the future.

>> Morrison: Okay. Thank you. Just to reiterate, I am seriously concerned about us having enough time to have this conversation so I think we need to make sure that informal and formal conversations is comfortable and adequately addresses all the issues.

>> And I think you'll have enough time as you need because we can't go operational until you approve it.

>> Morrison: But sometimes when things get post odd the agenda, there tends to be a little artificial -- at a minimum some pressure so i appreciate you working with us on that.

>> Mayor Leffingwell: Any more comments? All in favor of the substitute motion say aye. Any opposed? That passes on a unanimous vote, 7-0. So those are all the items that we can take up this morning. The rest are posted for a time certain, so we will go into closed session. Without objection, the city council will go into closed session pursuant to section 071 of the government code for consultation with legal counsel to tae up two items. Item 44 concerning council's authority to establish council's meeting procedures, and item 45 concerning requirements to adopt the budget and set the tax rate. Is there any objection to going into executive session on the items announced? Hearing no objection, the council will no go into executive session.

>> Mayor Leffingwell: We are out of closed session. In closed session we took up and discussed legal issues related to item 45 concerning requirements to adopt the budget and to set the tax rate. No action was taken. 00, time certain for our citizens communication. The first speaker is pat smith. Welcome, ms. smith. You you have a group with you, I see.

>> Thank you. I have our summer campers, our big dudes from little dudes learning center. And I also have a petition that has been signed that i believe has been distributed to the mayor and city council members. Again, my name is path smith. I'm the director at little dudes learning center. In the early 1900's, the city limits of austin was not much farther than lady rural roads led to farm houses and maufrais lane was named after surrounding farmland t city has absorbed all that once rural property and cotton fields are now neighborhoods. Before the city annexed maufrais lane, the franklin park neighborhood was built. The street button bend. The city annexed maufrais lane 25 years ago and little dudes learning center was included. When the property on maufrais lane, my mother-in-law discovered that the few feet that ran in front of the center was considered private road. The rest of the street, however, was public. The city was offered and continues to be offered that private section of maufrais lane, but the city has consistently refused to except it. What resulted was a barricade in the middle. The barricaded two dead ends, one on maufrais lane, the other on button lane. Dumping has always been a problem but in recent years i have been very concerned about the accessibility to the center by emergency responders as well as parents when there is construction or interrupted traffic on nuckols crossing. I've also had parents express frustration about the barricade preventing them from walking their children to the center for school or other events. In 2008 I invited transportation and public works officials to the center to see the barricade. The city response was and still is in summation we do not want to spend the money. The city has never addressed the quality of life or safety challenges for the children and their families that the barricade poses. If little dudes learning center was not currently in

operation the city would request a permit from a center to develop in its place and surely a permit would be denied. The reason being lack of accessibility by emergency responders because of the barricaded street. We were there before the city annexed our property but in 25 years the city has failed to provide what the city considers to be safe road access. We had a frightening experience this summer when a parent attacked and terrorized a teacher and children in our care. Police took over 20 minutes to respond. The average response time is 6 minutes according to apd. I believe the barricaded street contributed to the delay in police response. I respectfully request that after 25 years the city of austin make the safety and quality of life of the 100 children and families at little dudes learning center on maufrais lane priority and allocate funds to connect a few phrase lane and button bend.

>> Mayor Leffingwell: Thank you. And I have asked the acting city manager here to have our transportation director come out and speak with you privately, and thank you very much for coming down and bringing all these fine young folks with you.

>> Thank you so much.

>> Mayor?

[Applause] mayor, robert spiller, transportation department. We're happy to talk to them. The issue is that it's not just the little barricade, it's these properties are not connected to a public street. And we don't own the right-of-way to make that connection. Typically the developer or the landowner is responsible for donating the right-of-way and then also building the neighborhood local street. We're happy to look for alternatives. There may be some.

>> Mayor Leffingwell: I would just ask to you consult with the speaker here and see if you can establish an ongoing dialogue to try to look for solutions.

>> Certainly. Thank you.

>> Thank you so much.

>> Mayor Leffingwell: Next speaker is gus pena. Welcome back, mr. pena.

>> Thank you, mr. mayor. Thank you very much for referring robert to speak to ms. smith and all the kids. She asked me to guide her kind of in the process, but I told her we have a good council, good mayor and I'm sure and I'm very positive sure they will help us out. Anyway, mayor, councilmembers, gus pena. I'm going to read the issues that we've been working on. The police ctinue to appreciate and support our veterans in service to their country. Military veterans are experiencing, not all of them, mental health issues, jobs, jobs they did not retain when they were called into active duty. They need affordable housing, mental health care, reentry counseling. Please continue to support and appreciate our veterans. They've done a lot to preserve our freedom, safety and democracy. One of the things I would like to mention, mayor and councilmembers, and I know ott, you are listening, i roger duncan and his staff. I know a family, and I'll just mention the last name, rowly, rowly had a severe heart attack and

was transported to brackenridge and they did open heart surgery. There was an electrical disconnect and I called roger and his staff said we're going to suspend it for two weeks and we have programs we can refer to you. That's service to the community. Roger, wherever you are, i want to thank you very much. You and your staff. Thanks for helping the rowly family and it makes me proud to be an austinite. This is real good to helping out the taxpayers. I would also like to thank ms. rae olenick. Sometimes it smells and I'm a vietnam veteran and I can't drink it. Please, I've had comments and snickers, whatever, but she and her family, her husband and others supporters bringing out some interesting and positive issues about the fluoridation. And please listen to them because they educate their community and I will help out wherever I can, rae. Again, mayor, thank you very much you and your staff, curtis for helping people out that needed transportation at capital metro. I will ask the capital metro board members, as I told the county commission court tuesday, I told the chair, commissioner margaret gomez, we need to replace the current president/c.e.o. It's a disgrace to allow expenditure up to \$80 million of city money and say we're going to make a payment plan. How can you make an effective payment plan for \$80 million to pay the city of austin. I urge you board members and martinez and who is the -- that's right, chris, we helped you out, chris, don't forget that. We need change in leadership.

[Buzzer sounding] lack of leadership, lack of proper expenditure. in 1998 to do an audit, outside independent audit and I'll wrap up mayor, we might have to do that again.

>> Mayor Leffingwell: I believe that audit will be done very shortly.

>> Thank you.

>> Mayor Leffingwell: And i jeff vice from austin energy. He will be glad to past your comments about roger's good service on. Thank you.

>> I spoke to him already.

>> Mayor Leffingwell: Next speaker is linda greene. Linda greene. Welcome back.

>> Thank you. I'm speaking on how we can save millions of dollars by getting rid of the fluoride in our water. And we belong a loose net organization to fluoride free austin. We hope there will be some day a fluoride free boston, a fluoride free atlanta, et cetera, et cetera, because the fluoride that's going into our water, as you all know, everyone on this city council including your mayor know that the fluoride that they put in our water that we pay close to a million dollars per year comes from the phosphate fertilizer industry and the scrubbing towers in florida. It's not pharmaceutical grade, it is not what comes from the pretty rocks from west texas, it's a toxic waste that the considers poison enough so they do not allow florida to put it in their air, their water, their streams, their lakes, but they can turn around and turn it into a product. And in march of this year the company that provides the fluoride to this city cancels their contract. My position is what's good for the goose is good for the gander and we should cancel our contract with this company that produces fluoride. I don't have a prepared statement, but I'm going to read as much of this flyer as I can. This is information you are all aware of when you vietnamly to put.

>> Reporter: Ride in our water over and over again. Over 50 years on the recommendation of scientists working for the public health citizens began -- cities began adding a chemical known as fluoride to their water supplies. The scientists promised that fluoride would give children strong cavity-free teeth. It would particularly help economically disadvantaged children, they said, by making a nutritious diet and good oral hygiene unnecessary for sound dental health. And they insisted in the very small amounts administered, about one part per million, it would be perfectly safe. That was 50 years ago. Today we know better. Proper nutrition and oral hygiene are the key to healthy teeth. As they have always been the key to healthy teeth. That is, again, proper nutrition and oral hygiene. There are no shortcuts. There is no overall difference in dental health between fluoridated and nonfluoridated communities. Over 97% of Europe no longer fluoridates. Fluoride is extremely toxic. If there's enough fluoride that you drink in your hard water that's going to affect the hard enamel of our teeth surely it's going to affect other parts of your body like your thyroid and your brain. They put it in pharmaceutical drugs, Prozac, I believe. The Centers for Disease Control --

>> Mayor Leffingwell: Please conclude.

>> The Centers for Disease Control and ADA both say babies should get zero fluoride in your water. Given that the ADA and the CDC say zero fluoride in your water, I urge you to cancel the contract that we have and save us a million dollars a year.

[Applause]

>> Mayor Leffingwell: Thank you. Next speaker is Paul Norris. Welcome, Paul.

>> Hello, Mayor and members of the Council. I'm here today to talk about some limitations to the ECAD ordinance, and I passed out some printed material and backup to that and I'm just pretty much going to read what I have here. I find myself in a unique situation today and I need your help. My family members and I inherited an old house within the last year and now have a contract for sale pending. The house is in very poor condition. Travis County Appraisal District values the house at one dollar. And the insurance carrier has recently canceled the homeowners policy due to the condition. And those are exhibits 1 and 2 in the material that I passed out. Under the current energy conservation audit and disclosure ordinance, ECAD, we've required to get an energy audit prior to sale. According to the city's website, the estimated cost of an audit is from \$200 to \$300 for a typical single-family home, 1800 square feet or smaller with one air conditioning system, which fits this house. The ordinance has a very narrow variance provisions which require both the seller and buyer's cooperation. The buyers are unwilling to consent due to their own time frames. The buyers have a nine-page inspection report which thoroughly addresses the house's energy issues. Existing code compliance will take care of the energy concerns when they finally get around to their remodel. Although I don't have any position on the ordinance one way or the other, I'm all for the environment. I've been recycling for 40 years, am a charter board member and founding sponsor of Keep Austin Beautiful and a former ecology action board member. Initially when I contacted city staff, they figured that the director could grant a variance, grant a waiver. However, city attorney Andy Purney says there is no provision for any other variance other than the one that's in the ordinance, which is either for a remodel or a demolition. There's two

versions of it, within a six-month period after the sale transacts. I suggest the ordinance is poor. I suggest you all figure out how I can avoid the requirement in this case. Spending \$200 to \$300 on a house valued at one dollar in the midst of a recession doesn't make any sense. I don't believe that's the intention of this ordinance. Thank you.

>> Mayor Leffingwell: Thank you, mr. norris. Councilmember morrison. Might be a question for you, mr. norris.

>> Morrison: Actually if we have an attorney that --

>> Mayor Leffingwell: We do.

>> Morrison: That would be great. Could you talk a little bit about the waiver that goes into play if there's a demolition within six months in the future? How does that actually work?

>> I am andy purney, austin energy legal services. He's correct, essentially there's two variance possibilities. There's actually a third related to undo hardship but that relates more to part of the ordinance that actually requires energy efficiency upgrades, not the audit portion. But essentially in order to qualify for the variance, both the buyer and seller would have to submit a variance application that they would agree to file the demolition permit within six months of the sale. That's just the plain wording of the ordinance.

>> Morrison: I see. And that's not your situation here. Your buyer doesn't intend --

>> the buyer is going to remodel it. There's two versions, the demolition and the remodel version. They are going to remodel it, but they are currently remodeling another property and are tied up on that project. There's an e-mail in here where their real estate agent is saying no, they are not going to enter into an agreement because of their own time frames.

>> Morrison: and the remodel variance -- how does that actually work? What's required for that? Because it seems aparented someone is going to remodel it.

>> I think there might be confusion because it was my understanding we were dealing with a demolition situation. The remodel situation is different. It doesn't contain a six-month gap. It simply states that the purchaser and seller have to agree to the remodel within a specified period of time.

>> Well, when I had spoken to steve eanes and I clearly told him, he just got confused we originally --

>> Mayor Leffingwell: Excuse me. This is not a colloquy here. We'll let the attorney speak and if there's another question for you.

>> Morrison: Really maybe it sounds like a little more discuss is in order to clarify a few things. I wonder

if you could take this off line and see if we can find a solution. Thank you.

>> Thank you.

>> Mayor Leffingwell: Next speaker is rae nadler-olenick. Did I say that right?

>> Good afternoon, mayor leffingwell and councilmembers. At the last meeting where austin water utility director greg mizaros gave a presentation on water conservation strategies, I was struck by something he said. He covered among other things gray water reclamation, strategic pricing, scheduling water times and water saving devices like smart sprinklers and, of course, the newer toilet fixtures. He mentioned the san antonio program called plumbers for people which brings plumbers into the homes of the traditionally underserved to help out, that's folks who ordinarily wouldn't take advantage of something like the free toilets program. Councilman martinez later commented on the importance of outreach to the lower income ethnic minority communities and asked what awu was doing in that regard. mesaro indicated austin planned to implement a program similar to san antonio's and had applied for stimulus dollars available for that purpose. What instantly occurred to me was if there's money to go to apartments of the economically disadvantaged and hand out toilets, why not money to go to the same apartments and hand out dental care aids like toothbrushes and toothpaste maybe along with a work to infant mothers about fluoride. I appreciate that the individuals responsible for water conservation are not the same as those responsible for public health nor are the funding sources. What is the same is the targeted community, low income and mainly minority. This is an important point because it's that same community which has long been used by decision makers to justify water fluoridation. What's been marketed to them is.

>> Reporter: Ride, not good oral hygiene. Can't find a dentist who takes medicaid? It's hard. Nobody in this room played any part in making that original decision, but we can make a better decision today. Of course, I doubt there's a lot of stimulus money available for the above-mentioned purpose, but certainly some of those funds could come from the hundreds of thousands of dollars we'll save when we put an end to water fluoridation here in austin. Thank you.

[Applause]

>> Mayor Leffingwell: Thank you. Debbie russell.

>> Thank you, yes, i+m debbie roughly. And I'm here to talk about participatory democracy and I'm going cede the last two minutes of my time. First I wanted to mention today, 64 years ago we perpetrated the single most destructive act our humanity has ever known. If we knew then what we know now, many believe that given a choice and shouldn't we have been, we would not have allowed for it. In times of strife, our government shuts down. Government transparency is a must for a effective government. And when residents are engaged and fully contribute to governmental decisions that affect our future are on firmer, more sustainable ground. On behalf of the nearly quarter million victims of hiroshima and nagasaki, i would ask council arrest chamber for 15 seconds of silent homage.

>> I would like to turn it over to randy clark.

>> Good morning. My name is brandi clark and today I'm representing a wide variety of austin's environmental leaders, citizens and residents who want to present you with a unified list of environmental priorities. These priorities work for action were produced by stakeholders and community input before, during and after the eco exchange event held at CITY HALL JUNE 25th. These recommendations and proactive action steps fall within eight important areas. Environmental justice, zero waste, water stoodship, alternative transportation, sustainable local food, responsible land use, clean energy and something that underlies it all, participatory democracy. ON JUNE 25th, ECO CHANGE Exchange was hosted by 40 environmental groups and drew close to 300 participants. If we commit to make it so -- first of all, this is the first time that a multi-issue request has been made to the city council, a comprehensive action plan. And together if we work with you, with the city council, there's a lot of people who care about a lot of issues, but we realize we need to be single issue people and working proactively on things that we see can be created rather than just blocked or fought or things like that. So if we commit to make it so, healthy local food, clean air, toxic-free neighborhoods, diverse transportation options and clean energy could be a reality and we can fulfill on our vision for living a sustainable, no, a thriving austin. With that we would like to present you with the report and commit to working with you to implement it.

>> Mayor Leffingwell: Thank you, brandi. And I appreciate you coming down, but for future reference, our rules do not permit transferring time in citizens communication. So in the future, please sign up.

>> Okay.

>> Mayor Leffingwell: Okay?

>> Thank you.

>> Mayor Leffingwell: Thank you.

[Applause]

>> Mayor Leffingwell: Next speaker is wanda thompson.

>> I'm wanda thompson, living in river c subdivision and I've lived in austin all my life. First I would like to compliment the austin fire department offices for always taking phone calls and answering concerns for our neighborhood. Our neighborhood is located on lake austin and has no working fire plugs. Fire station 31 on ranch road 2222 is the local fire station for our neighborhood. And also for lake austin waterways. There are two fire trucks and seven firemen at station 31. This plan has been in effect for over 20 years. The area has grown rapidly since then and lake austin waterway use has excelled. Now we understand one fire truck could be moved. Also there is a boat available with a small water pump for fire use. However, the water pump is broken. A few years ago my next-door neighbor's house caught a fire. Since there is no working fire hydrant, station 31 used these two fire trucks to carry water into the

area to fight the fire. There was a total of four trucks plus a pump in the lake that were used to stop the fire. Please help us keep the two trucks at station 31 to keep our neighborhood safe. We're asking the city council to consider keeping both fire trucks and the seven firemen at station 31. We're asking the city council to give our neighborhood and lake austin the best service available for fire control and lake safety. Thank you for listening to the concern of our river crest neighborhood and all neighborhoods had that area.

>> Mayor Leffingwell: Thank thompson, and we have someone from our fire department that will be flash flood to -- will be glad to talk to you. Mayor pro tem.

>> Martinez: thompson, real quick, just so you know, we did ask the fire chief yesterday specific questions regarding station 31 and her proposed budget does not contemplate consolidating those two units into one and removing a apparatus. That was a part of a budget exercise that took place out in the community and I saw the davenport ranch newsletter and it did raise some concerns, but chief kerr heard, you know, the pleas of the community and not wanting to go in that direction, she was able to present a budget to us that didn't contemplate that. And so as far as what's been presented so far in the budget, there will not be a removal of a apparatus from station 31. I'm sure chief evans will be glad to fill you in in greater detail. Thank you.

>> Mayor Leffingwell: Next a carol anne rose kennedy. Don't see her in the room. We'll go ahead and go to the next speaker, louis kokernak.

>> Good afternoon councilmembers and especially welcome to the new members and those new portfolio, mayor leffingwell, chris rightly and bill spelman. The reason I come to speak before you today is about three months ago -- first let me identify myself again, lou kokernak and with the homeowners association at bridges on the park which a neighborhood of condos very close to the town lake trail or lady bird lake trail. About three months ago our neighborhood association brought to your attention the fact that a billboard had been constructed, a new billboard within a couple hundred feet of the lady bird lake area. And we came to understand that the city was going to direct staff to try to find a solution that hopefully would involve taking down the billboard that would also satisfy all the stakeholders. Accordingly we have ramped down our organizational activity in anticipation we would get some fruit as a result of the city's activity. It's now three months later. The billboard is still up and still collecting rent for its owners, so really our question to you is can we expect that the city will make progress in this area and can we expect some kind of resolution in the near future. It doesn't have to be now, but we just want to let you know that we're still watching the situation and we remain concerned about it and we appreciate your time. Thank you.

>> Mayor Leffingwell: Thank you. Do you have any comment to status, city manager? I know there is work going on.

>> Assistant city manager sue edwards. Just so you know the facts, the billboard is a legal billboard. It is up with all of the rights and privileges that it has. There have been some discussions between the sign company and the owner of the property, but it is going to be -- and we still will continue to work with

them, but it is a decision that will have to be made between the sign company and the owner of the property. We will continue to work on that, and there are two people about the third row back, kathy hot, and if you will talk to her and we can get your information and we will give you a call and let you know any further plans that we have.

>> Thank you very much.

>> You're welcome.

>> Mayor Leffingwell: Thank you. Next speaker is ronnie gjemre. Ronnie reeferseed.

>> I'm asking us all to laugh at the cartoon by -- found in american pre press, but anyway, I'm asking us all to imagine a world where we stop killing people because they are potentially inconvenient to us like the unborn and/or we can't see how they choose to live their lives like muslims. There's inevitably many other people can't seem to agree how we choose to live our lives but that's never a good reason for people to kill us. Do unto others. Facing reality and acting accordingly is easier with more information. And factual information and the truth. By the way, a lot of good information and truth can be found online every day, 24/7 at the american free pros dot paul's very own liberty.com. Online alex jones and others can be found for free, com and local radio 90.1 fm austin. If you miss alex jones 11 to weekend days, for example when you talked about jp holden's text to sterilize us all, a continual loop can be heard online. Check it out. And also by surrendering his own opposition to gun grabber sotomayor's upcoming tirade, so-called mel martinez chose bigotry over our crucial second amendment to our sacredists substitution which is back asswards to tribalism which must be awarded to blind justice. To be fair, why no norwegian heritage on the supreme court. Jews are represented, tireless age old bigotry based on rumors about raping and pillaging you should not exclude viking representation on the supreme court. Thor power. Wake up people. Tribalism is only a weapon to destroy our constitutional republic. Not all latino I know express lock step approval of ms. sotomayor. A majority of latinops oppose wide open borders, schemes of blanket amnesty controlled by the media stooges like the obama-biden regime of tax dodging criminals. That's right, many of our if not most latino catholics oppose killing babies with abortion. Vast majorities of aborted babies just happen to be black children by design. Of lock step liberals. Let's all stop the killing. Let's cancel our ongoing spasm of --

[buzzer sounding]

>> -- by just saying no to the truly evil abortion industry. And, of course, there's over 50 million dead babies as a result of roe versus wade.

>> Mayor Leffingwell: Your time has expired.

>> Innocent. Follow judge biscoe. He let's me speak and he has not a list of 10 in this crazy system of having to call at 9:00.

>> Mayor Leffingwell: Well, we do. Carol ann rose kennedy is not in the chamber. So that concludes the

list for citizens communication today. So without objection, the council will go into closed session pursuant to section 071 of the government code for consultation with legal counsel to take up one remaining item, item 44, concerning council's authority to establish council's meeting procedures. Is there any objection to going into executive session on the item announced? Hearing none, the council will now go into executive session.

[01:06:41]

>> Mayor Leffingwell: Good afternoon, the austin city council is back in session. At this time, we will recess this meeting of the austin city council and call to order the meeting of the austin housing finance corporation. Disregard all of that. Council, is back in session. I will take up item 46, the presentation by the etc institute on the results of the '09 city of austin citizens survey.

>> Thank you, mayor, members of the council. Don't worry, actually I have good news for you today. After six months of doom and gloom reports from me about economic recessions and declining development activity and falling revenues and budget reductions, we have for you today a truly good story to share with you, it's a testament to the quality, exceptional quality of our nearly 12,000 employees and the work they perform each and every day and the dedication they show each and every day in providing the highest level of services possible to the community. I have with me today chris tatham from the etc institute who is going to be sharing with you the results of our annual citizens survey. Etc institute is a new firm that we used this year and for a couple of reasons. One, they are very highly respected survey company that's used by many jurisdictions throughout the country, but also it's a firm that allows us the benchmark -- to benchmark the quality of our service and the citizens' level of satisfaction of our services with other like jurisdictions. What you are going to see today is when you do that comparison, the city of austin truly is setting the standard for municipal services and jurisdictions of our size and 41 of 45 service areas, we are better, higher than the norm of other jurisdictions. And in one critical area, in particular, the quality of life, the city of austin truly has set the bar for that standard. It was the highest rating of any city that etc institute works with, the highest rating of any city we compared to the city of austin residents had the highest rankings for the overall quality of life in the city of austin. With that introduction, I'm going to ask chris to come up here and walk you through the presentation.

[01:09:17]

>> Mayor, members of the council, it's a real pleasure to be here today. One of the great things is that it's very rarely do I have an opportunity to come and present such good news. Especially this year with the state of the economy, the recession, know of the community where I'm conducting surveys, our firm conducted surveys has not seen good results. So I want you to take that into consideration. At the same time I have given you favorable news that you are giving these ratings in an environment where many communities are not doing so well. To give you a little overview about our firm. Our firm has surveyed

over a million folks over the past decade. We do work for dallas, sim lone star surv for fort worth, literally about three dozen large communities across the country. More than 200 medium sized cities participate in this survey. Tonight I'm going to be sharing you information which I will put in the context of national results. Give you a perception of what -- how well the city of austin is doing in the context of other communities around the country. I will briefly walk through the purpose of the survey. I touch on the methodology, then I will spend most of my time going through the findings. There's a lot of sli here. I'm for the going to spend a lot of times on all of the slides but try to highlight the things that are most important to hear. Most of you know the reason the survey was done to get input from residents. Too often as leaders you will typically hear at forums like this from just a few people. Oftentimes people who are most directly affected by decisions, but then you don't hear from the vast majority of the people. A survey like this really helps you balance and understand what is the -- what does the typical person out there think about how the city is doing, versus just the special affected residents. It's also designed to help you assess your performance over time. We have information here that will let you do that into the future. Finally help identify priorities, particularly with budget -- when budget times are tight like they are right now. The overall survey took most people about 15 to 20 minutes to complete. The sample was set up so that we had six geographic planning areas and we had at least 200 respondents from each of those areas. One of the things that we did is we geo coded the home address of respondents so you can actually look at maps of the city and see how people in different parts of the city rated different services or what priority they placed on different services which may affect some of the areas more than over. The overall results aren't perfect but the error is about plus or minus 3%, so it's very good. We have pretty good distribution with regard to the overall demographics of this city. About a third of the respondents were hispanic, which is fairly close to the recent census estimate. As far as the overall map this shows the location of respondents. It's not designed to be perfect for every neighborhood. But you see that we've had good distribution, like i said before, at least 200 respondents of each of least 600 planning areas in the city. We felt very, very good about the distribution. Both demographically and geographically. With that said I would like to start over with the high level of general perceptions that residents have of the city. We have several questions that I consider to be really the key strategic determinant to whether the city is going in the right direction or not. One of the most important is whether or not people think this is a good place to live. You can see only 4% of the people surveyed did not. You can see almost all of these items you will notice there's a lot of blue on the charts. As I go through the charts, we ask people to rate things on a scale of one to five. Fours and fives are satisfied, ones and two are dissatisfied. You can see there's lots of blue. Things like value for city tax dollars has more red than some of the other items, but when we assessed how you compared to other communities which is shown in this chart you will see austin is in blue, the national average for large cities is in green. Take a look at the third from the bottom. You are rated 10% better than the national average perrer value for tax dollars. When residents tell you they don't think they are going to get value, comparatively you are doing screamly well for a large city. The other piece you should be really proud of is the overall quality of services provided by the city. Nationally the average, less than half the people in most large cities think the local government provides good services. Here you have 65%. 20 Points above the national average. Didn't happen by accident. You are clearly doing some things right. You can see it's a place to raise children, a place to live, overall quality of life, place to work, all rated significantly above the national average. The only item that rated a little below is the planning for growth. I think that's

probably not a surprise to you. But what I found in communities that are doing well and growing, desirable. The biggest issue they tend to have is planning and traffic flow. So it's not a surprise that the council rates a little bit lower here given the desirability for people to be here. The other thing that I wanted to highlight is under the large cities, we have about 30 cities, 250,000 or more people in our database. You have the very highest ratings of overall quality of life at 81%. That vertical line shows the average, you can see one city only half the folks in that city gave positive ratings for quality of life. You can see also the overall value for tax dollars are significantly above. Both of which are good, strong indicators that suggest that the city residents think the city is moving in the right direction and doing the right thing. The other thing that we're going to share with you tonight are just a few -- few of the maps that are in the full report. I'm not going to share all of them to you. One of the things that we did is we geo coded the home address of respondents, then we shaded different areas of the city, so you can get a sense for how people in different parts of the city rated different questions. You can view -- people rate the city as an overall place to live, you see lots of dark blue, which means a typical person throughout most of the city gave very satisfied ratings. All areas of the city are at least in blue, which is a great finding. When it comes as a place to raise children, you can also see the entire city is in blue. You might -- you are seeing these perhaps for the first time, you might say wow the whole city is not in dark blue. Most large cities are an off white and orange in lots of areas, they might have a few areas of blue. The fact that the entire city gives good ratings throughout really shows that you are doing a good job managing issues throughout the community. As a place to work, you also get good ratings throughout the entire city in blue. A couple of pockets, places to retire, range lower, but overall good ratings. Overall quality of life you can see is good throughout the city. Overall quality of city services, you can see a couple of pockets, maybe lower, but for the most part residents gave good ratings throughout. The bottom line is when you look at these survey results by mapping areas, the city is doing a fairly equitable job at delivering most services fairly uniformly. It's not a perfect distribution. But you are doing a pretty good job given the diversity and the size and the makeup of the community. With that said, I might get into some of the major questions that we ask with regards from the specific services that were assessed on the survey. We started off asking people kind of their overall satisfaction, we kind of major departmental, major categories. You can see we ask people to rate the airport drinking water, parks and recreation, public safety, electric utility. You can read the list there. What really impressed me is how little dissatisfaction there was with any of the major categories that were assessed. Maintenance of streets and infrastructure is the most dissatisfaction. But even with that said you can see more people gave positive ratings than negative ratings and none of the other areas that were assessed had more than one out of five people giving dissatisfied ratings, which is very rare for a city of this size.

[01:17:17]

>> I'm sorry, mayor, do you have this information in a comparative form, to some of our peer cities?

>> Yes, in fact I will show you charts in a little bit. Not all but a few. When you see the top priorities you can see public safety, drinking water and maintain were the top three. That doesn't mean the other items aren't important. But when residents were forced to make a choice, those were the three areas they considered to be most important. When you looked to see how you compare the general ratings for other large cities, one thing that really stands out is customer service. They look at that 29 points above

the average large city in the united states. Just a phenomenal difference. We're talking differences of plus or minus 3% are statistically significant. 29% Above average. I was even impressed just with the folks who were doing security when I walked in volunteered to give me directions to the budget office. Those are little things as an outsider coming in, that's a culture that just has to pervade all of your employees, you can see all of the other areas that were assessed were above average, which is just a tremendous accomplish. When you look at the major categories that were assessed. One of the things that we have done for you, sometimes when you do well, you get a few priorities, you might say well what's the real area that we get the most bang for our buck if we had an extra dollar. One of the ways that we take a look at, we divide the results into a matrix, plot is from left to right the relative importance, from the bottom to the top is the overall satisfaction. So you will see things like maintenance of city streets and sidewalks is in the bottom right quadrant which is one of our higher priorities because this is a higher importance to residents, but generally lower satisfaction. This is an area where you could make a big impact on residents as far as their overall satisfaction with the city. At the same time, you want to make sure you continue emphasizing drinking water and public safety which you are doing comparatively well in, but those are things people care a lot about. Top left quadrant those are things that people do not care as much about, but you are doing really well at. If you invest more you are not likely to get much return on your investment when it comes to satisfaction. Doesn't mean that you don't need to do it, sometimes the public doesn't understand what investments might be necessary to sustain high levels, but at least the initial return on your investment will be per viva viva -- perceived greatest for the items on the right side of the matrix. Safety, fairly generally good ratings. The perception of safety downtown at night 42% of the residents indicated they disagreed with that statement. That's probably an opportunity even though you are doing well in a lot of areas, that's probably an area you can continue to do better at. You can see for the most part perception of safety in neighborhoods rated very strongly. Safety in downtown during the day is very strong, but it's at night where you can see a little bit of a range. When you see how you stack up to some of our national averages, stack up, austin ranked above average in all areas that we had comparative data. We don't have a comparison for the downtown at night. So that's one of the things that you have to take that in context given the fact that across the board you generally rated better. I would expect to see similar comparisons to safety at night if we had a large city benchmark. When it comes to maintenance and appearance issues, we ask people to rate the condition of streets, sidewalks, timing of traffic signals, even issues like traffic flow. You can see in general there is more dissatisfaction on streets. But one of the reason that's we have the benchmarks is to be able to put into context what does that dissatisfaction mean? Street and maintenance is an area that people tend to be less satisfied with. When you take a look at this, you notice when it comes to the overall condition of streets and neighborhoods and the condition of your major streets, you ranked significantly above the national average. In fact neighborhood streets were 16 points above the national average. Major streets are 8 points above the national average. You are doing a good job in that area, which is one of the most important things to residents. Traffic flow, however, is an area that you are trailing. I don't think it's a surprise to the council. It certainly wasn't a surprise to the staff. But that tends to be the issue that growing communities that are doing well with have challenges with. Look around the country in other communities that are very desirable, what are the costs or consequences of being a desirable place is lots of people tend to move there and visit there and you end up with traffic flow. But it is important to manage that as you can see when we asked residents what

the top issues were, you can see the preservation of your streets or major streets was at the top of the list, but traffic flow was the second. When we put that into the matrix, you can see down here, actually here's a couple of the -- out of sequence, but you can see the overall condition of your streets rates significantly above the average which is shown by that vertical line and when you see the head to head comparison, which I think you were alluding to, this is one where you see how you stack up to other cities that are in the report. You can see overall austin has one of the highest overall maintenance ratings. You can see arlington and minneapolis are slightly higher and I think denver, also, slightly higher. But otherwise when you look at a lot of other communities in our database, you ranked very, very favorable in the maintenance side. When you see the matrix, you can see the traffic flow one issue, one of the things that you have done a lot. I have seen changes since I've been visiting austin, new highways coming in and out of the airport. But good talking point since you know that people care about it, if the city can own the issue so when you communicate you communicate to folks and tell them what you are doing and that you know that people are concerned about it. It actually does help your perceived credibility when people think that you care about the issue, too. And given that it's in the bottom right hand quadrant that's certainly a good talking point when you are communicating with the public as well as continued maintenance of your major streets. On the public safety services we looked at, doing extremely well. You can see pretty much all areas of public safety. Very little dissatisfaction. You can see the one area that has the most dissatisfaction, of course, local traffic laws, but for every person that was dissatisfied, you can see there are about four that actually gave positive ratings. So you are doing pretty good at all of those areas and when you see the number one public safety service to residents was police services, followed by the emergency response times for police due to requests, fire services was third, and when you see how you stack up to other communities, you can see even though the overall enforcement of traffic laws is one of those areas that had the most dissatisfaction, you actually see you are doing very well. That's again one of the reasons we're having the comparative data, because that's an item that tends to rank low, but if you don't know that, you are actually 10 point above the national average and -- when it comes to how well you are dealing with traffic enforcement issues. When it comes to some of the head to head comparisons, you can see your overall quality of fire service is the second highest in the database. Police services was also above average and the enforcement of traffic laws was significantly above average. But certainly hats off to the fire folks who are doing so well in the -- in achieving essentially almost a new high. In fact for this time since the economy and things have gotten worse, that is the highest rating that we've had in the last year. Doing real good in that regard. You can see overall public safety. You can see that you are above average. You can kind of see some of the other communities that are compared to here in texas. Not done quite as well. You look at some of these head to heads to other large cities in texas, you are doing extremely well. When it comes to the top priorities, you will see that public police services and the emergency response times are the two areas that residents care most about. Again, doesn't mean that you take away a lot of resources from some of those areas, but the areas that you would get the most return on, especially when it comes to talking points are police response times and just continued emphasis on police. I would tie that into concerns with public safety concerns downtown at night, given the sensitivity that we saw in those slides as well. A few slides back. When it comes to some of your environmental services, overall you can see generally the city gets good ratings on all of these areas. There's a little bit more neutral on these items, which suggests that people probly aren't as opinionated, they might know

what's going on. But there might be opportunities, attitudes, even more favorably with information, but you can see very little dissatisfaction. The number one issues to residents are the -- to deal with the water quality of lakes and streams, energy conservation and water conservation are the top three. All of these items are relatively important. You can see the difference from the highest rated item to the lowest was 7 percentage points so residents generally care about all of them and when matrix, you can see that the areas that you probably get the biggest bang to your buck as far as emphasizing or talking about are quality quality of lakes and streams is probably the one area given the lower ratings of satisfaction and the relatively high priority compared to some of the other items that's where you get the biggest bang and you emphasize talking points or investment in those areas. When it comes to parks and recreation, a hats off. One of the finest set of ratings across the board that I have ever seen. The reason I say that most of the time they seem to have one or two areas that are 30% dissatisfied. You look at this, really nothing related to parks and recreation that even has more than 15 or 20%, a great job of balancing really a diverse needs of the community. When it comes to the top priorities, that's not unusual because that tends to be something that people care about when you are not deficient in other area. If you are deficient in one of the other areas that tends to rise to the surface, all else being equal. People's concerns about safety tends to be the number one issue. When you can see how you stack up head to head on a number of items, you are above average in all of the areas that were assessed, but what's impressed me the most when we look at some of the head to head comparisons on this chart, where you can see the range of performance from the lowest rated city on the left for example and the appearance of parks and grounds in austin, the worst rated city is at 42%, the very best at 79%, you are at 72%, but just follow that down, you will notice that yellow dot that shows for the city of austin, almost to the far right of every single area. I don't remember the last time that I have seen a large city do that. I have seen other large cities be in the top in a few areas, but not in the top across the board. You can see that both your recreation side, programming and your facilities side and parks are all rated very, very well. When it comes to the overall ratings, probably one of the reasons that tied for the best system that we have in our comparative database for large communities, hats off to parks and recreation, safety is the one area that stands out, but in my opinion given the fact that you are not majorly depict in one of the other areas and people were ask to pick an item, that one of the reasons that it rose to be more identifiable than some of the other items on the list that you are not deficient in. When it comes to residential and neighborhood services, you can see that overall satisfaction ratings were extremely high in most areas. A couple of areas you might want to focus on or at least be conscious of, hazardous waste disposal, people are becoming more aware of that. As a result expect the pressures on that to probably rise over the next five to 10 years. Code enforcement, weed lots, abandon vehicles, one in four people gave negative ratings on that. Again the ratio of positive to negatives is good, but those are the two areas of neighborhood service that's rated somewhat lower. When you see the overall priorities, safety of drinking water was at the top of the list, garbage collection, electric service rounded out the top three. Residential yard waste bulky item pickup were a little less important overall. When you see how you compare, basically in all of the areas assessed, you rated above average. City streets and public areas 14 points above the national average, overall residential curb side recycling service was 11 points above the national average. Those two programs are doing exceptionally well, again whatever you have done to make those programs get to that point certainly look at those best practices because you are setting those standards for the country in both of those areas. This is also a very rare chart where you

have nothing in the bottom right hand quadrant then it comes to residential and neighborhood services. How you ideally want things aligned the things that are most important you do the best in. If you look at this chart from the bottom left to the top right you pretty much have your priorities exactly aligned like they should be. One area should watch, though, is code enforcement. Just barely to the left. I think that's an area that you need to take a look at as you move forward to make sure it doesn't become an issue in the future. When it comes to customer service issues, we ask people what they thought about library staff, austin energy, 311, the overall service provided by the city of austin and then residential and commercial building plans. You can see most area goes got pretty -- areas got pretty good ratings. Residential and building plans provides, there are some concerns there, again the percentage of people giving positive ratings to negative, the ratio is a good one, but you can see comparatively that's the one area that you have the most opportunity for improvement. Some of the other things we -- services we took a look at, shots for tots, animal shelters, you can read the list there. The one item down at the bottom affordable housing for low and moderate income families that's a concern particularly in this economic situation. That's not an unusual number. We don't have benchmarking data for it. But ask a similar question in slightly different ways, typically about one third residents or more in some communities are giving negative ratings or dissatisfied ratings on that issue.

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[One moment please for change in captioners] you can break this data out, actually look at the differences based on people who have actually had contact with concern services. So if you really wanted to define how well that service is being delivered to core customers or recent customers, as well as things that can be done with this set of data. On the communications side of the house, we didn't ask a lot of questions. Though we did stack up to see how austin compared with other communities and you can see iterated 3% above the national average, rated. The communication is really important in the community like this that is growing and has a lot of diversity and you generally are doing pretty well but this is certainly an area that you can continue to improve and do better on over time. When it comes to funding issues, one of the things that we wanted to find out is given tight budgets like most folks, we wanted to get a sense for one what priority did residents place on sustaining the current levels of funding that you have allocated for different services. What this chart shows you is we in the survey basically told people how many millions of dollars were currently budgeted in different areas. Based on that information, we asked them how important it was to keep sending that same amount of money. In other words somewhat knowledgeably when they made this decision. You see fire, emergency response, dispatch services, police, safety oriented one a lot of folks gave it a nine or 10 thinking it was extremely important to keep funding at current levels. As you go down the list shows less importance are importance, we actually generated a mean to make it easier for you to stack things up. You can see again those items at the top of the list that residents were least likely to want to see reductions had to do with public safety services. As you get down the list, you can see things that were a little less important to folks. One stop shop for development, traffic and signage, neighborhood planning and zoning, sometimes these services people don't see as being essential even though they might be to certain groups. It's how many people across the board see them as essential and public safety to give them a higher share than some of the other groups. One thing that I think that you have going for you is the fact that the city developed what I considered to be a real strong brand as a result of providing such good

customer service. I was real surprised in a positive way for you to actually see that residents would be willing to pay more if they needed to, to avoid cuts in certain programs. Very rare finding. Raising user fees to avoid cuts in services. You will see overall 57% were at least willing to consider that in a favorable way. 21% Said they were not supportive. Those in the middle clearly leaning to the supportive side. If you do need to do that, there are some opportunity to at least consider that from the public. Just to wrap things up, i know that I presented a lot of information. But the real take away from this is that the city of austin is really setting the standard. I mean across the board we looked at 45 different areas. Ranked above the national average in 41 of them. And by gosh when you look at customer service being 29 points above the national average, if you appreciate statistically what a phenomenal accomplishment that is. It really suggests that you have built a culture within the organization that's setting the standard for a large city as well as everywhere. In addition the overall quality of service itself was 20 points above the national average and the issues related to street maintenance, even as a desirable place to raise children and live, all of those things are really great. The other thing that I want to highlight is despite knowing that, certainly things to keep in mind as you move forward, things like public safety, drink drinking water, street maintenance. The issues that I didn't highlight by I think resonate through there, code enforcement, perceptions of safety in the downtown area at night, things like traffic flow, all of those items when you didn't rate as well in are areas that you want to make sure that you at least have plans in place to address so they don't become major problems in the future. With that, mayor members of the council, I would happy to answer any questions if you have any.

[01:37:19]

>> Mayor Leffingwell: Thank you, that's really a heartening report. I'm really glad to hear all of this. Sometimes sitting here in city hall as we do, both as councilmembers and city staff, it's hard to realize that we are in a city of almost 800,000 people, most of those people out there are pretty well satisfied with the way things are going. Of course the ones that we hear from aren't in that group. And I think that something as we as councilmembers and staff need to keep in mind. There are a lot of other folks out there. That's why a report like yours is valuable to us, it helps us maintain a good perspective. Not that we should disregard the areas in which we make improvement and the folks who we hear from about those specific needs. But I think it places us in a very important context. Any other comments? Councilmember spelman.

>> Spelman: Unusually well informed, I didn't see any don't know's on yoursy say. How did you handle people who say they didn't know?

>> Actually. I did. On the charts that you see here the don't knows were excluded. Though we have provided in a separate table. That's important because it lets you assess awareness and utilization of services. That information is available just for comparative purposes if the city much dallas had 15 percent and you didn't have 5% it wouldn't be a fair comparison, most of the charts I have excluded them.

>> Spelman: I understand. Is there a way of distinguishing between people who used our services as

opposed to people who had not.

>> Yes. For that one chart you might recall that showed whether or not people used different services for those you can actually break out exactly. For example on code enforcement, one of the questions have you contacted the city about code enforcement issues, you might see a different result for people who had than the general.

>> Spelman:.

>> Matter how badly our code enforcement stood, from the standpoint of the people who actually used it, it was certainly worse. We have access -- you have actually sent us a data set to actually do those break downs.

>> If staff would like us, we do additional cross -- we have put together an extensive number of cross tabs already, but we would be happy to generate more.

>> Spelman: Great. Thank you very much.

>> Martinez: Mayor? I appreciate the report. What I wanted to do then was see if we could get some data to cross tab going back over time so that we can determine if we have improved or become more deficient in certain areas. I remember previous surveys public safety was always really high up there, customer service was really high. Something that you mentioned about we wouldn't be able to have these types of responses that are so positive without the culture within the organization. For me it's important for us to track it over time as well.

[01:40:27]

>> Not just only on an annual basis. Because we compare the previous years, we may be able to see that we have done very well for many years in certain categories, and others we've, you know, slowly fallen off such as road maintenance.

>> It -- we can do that to some extent. One of the challenges is since we did use a different scale and have a little bit different survey instrument than you have used in the past this year we didn't emphasize those trends as much for that reason. But certainly as the city goes forward, we will be able to do that more. Part of the [indiscernible] this year was to allow you to go to the next level. How do we compare against the peer cities, gis mapping. This initial year I'm not able to do a lot of the comparative analysis over time. But we certainly will in the future as the city continues.

>> Okay. Thank you.

>> Mayor Leffingwell: Any more comments? Thank you very much for this report. I think it will be very useful to us, especially as we begin our preparations for the budget readings for next year. Thank you.

>> Thank you. 47 which is a presentation regarding the comprehensive plan advisory committee. Good afternoon, connor from the planning and development department. We're here this afternoon to provide you with information that is intended to assist you with the appointment of an advisory committee to guide the development of a new comprehensive plan for austin. Our presentation has the following parts to it. We have a few contextual slides about the process and various start-up activities. We have -- we have a little bit of information about the roles of the advisory committee up to this point. That have been discussed. By the planning commission and various members of community. Wallace, roberts and todd is under contract. They have been here most of the week and they are prepared to talk to you about their experiences with successful advisory committees in other comprehensive planning processes. And then lastly, your handout has an information sheet. It's a candidate information sheet that the comprehensive plan and transportation committee requested on -- on monday at their meeting. So it's -- it's the last page on your yellow handout sheet. The -- the overarching themes that are in the scope of services that you approved in july are community engagement, involving the entire community, and all its parts. In providing the basic direction and themes for the plan. Sustainability. And that's a broad term. And we would be looking towards the public to help us find that term. Define that term. Lastly, implementation. Both you and everybody else, planning commission, that has been involved in this process, up to this point, emphasizes the importance of thinking about implementation at the very beginning. We are at the very beginning of the process. We are now in phase 1. We are in the planned kickoff phase. It envisions three phases. The -- the second phase would be the development of the vision and the planned framework. And then the final phase is the comprehensive plan itself. A little bit of information about the phase we're in. This is the plan kickoff phase. It involves designing the process. Beginning the process. And then beginning the public outreach process. The team this year for the first bullet item to fulfill that kickoff activity this week. The item that we want to talk to you about is the appointment of the advisory committee. And then also part of the kickoff phase is doing a formal citizen participation plan, which would be reviewed by the planning commission and approved by you. Also looking at existing data and plans and we have information for our consultant team to look at. The general process of establishing rules and responsibilities and then launching a speakers bureau. Now I want to drill down on the specific process that we are suggesting for the appointment of the advisory committee. If the entity information sheet is approved, and appropriate, we hope to make that available to the public on monday. The response is then we would then have 10 days for members of the public to fill out the sheet, and submit their interests in serving on the advisory committee. ON AUGUST THE 24th, THE -- The comprehensive plan committee would meet again and look at those applications. And possibly offer a slate of candidates for your consideration. Then on -- on august the 27th, THE COUNCIL COULD Appoint under this schedule the advisory committee. The reason we're focusing on august the 27th is that you have a big gap until SENT THE 24th. The schedule calls for the public kickoff to occur the WEEK OF SENT THE 28th. SEPTEMBER THE 28th. To make that schedule it's almost imperative that the committee be appointed on THE 27th. That doesn't mean if some members that you select couldn't be served, couldn't serve or back out or you want to add additional members, you could do that later. But we need the core group BY AUGUST THE 27th. The reason for that schedule is we're hoping to get the first community foreman series going in october -- forum series going in october and early november. In order to have that completed before the holiday season. Otherwise the process doesn't start until next year. I said that I would talk a little bit about roles. Ones

that have been identified, champions and this role is who is involved in the process and who isn't involved in the process. And the advisory committee that is representative of the entire community can - can -- can be essential and critical to reach out and bring people in that -- that don't come on their own. They can -- the ambassador role is everybody being heard, but also at the beginning the ambassador role is describing what a comprehensive plan is, why it's important, also property owners in the extra territorial jurisdiction that -- that typically don't think of austin in terms of planning terms, need somebody. Property owners, they need somebody that can talk about what the plan does, what it doesn't do, what the reasonable expectations are about a comprehensive plan. The last role which is to guide. We envision broad public input and we need that -- we think that the advisory committee can play an essential role guiding the process. They will understand austin in all of its part. They will interpret the input for staff and the consultant team to synthesize it and translate it into the plan. With that, I'm going to -- going to ask john

[01:49:06]

[indiscernible] from --

[indiscernible] [inaudible - no mic]

>> thank you, garner. First of all, let me say how honored and thrilled we are to be here. As your choice to assist in leading this effort. We are excited and anxious to get started. One of the most important steps to get right in getting started is the selection of this citizens committee. The advisory committee is going to have an incredibly important role for this process. These are going to be folks that are going to be asked to sacrifice an incredible amount of time and energy and brain power over the next 18 months. In coming up with -- in part of a group dynamic. Coming up with the answer to the question. What is the sustainable future for austin look like. How do we get there. The most important overriding criteria for participation, in our opinion, has got to be commitment to this effort, a willingness to serve in -- and a willingness to be part of the broad group dynamic that will -- has to come to consensus in answering those questions. So that's -- that is -- in spite of all of these other things, that's the overriding consideration, are they committed to serve and are they committed to the purpose. Now, we wanted to share with you just for a minute the benefits from our perspective, from our experience. Of what makes for -- for a highly effective advisory committee. We thought that we would come up with seven but we could not get it under nine. So here are the nine habits of highly effective committees. The first, obviously here in austin. You -- you place a very high priority on maintaining diversity. Everything that you do, all decisions that you make. So that -- that is the reason that is number 1 is to come as close as you can to reflecting the diversity of the community within the composition of this committee. Consistent with the overarching need of a group of individuals that are committed to the effort. Secondly, this is a committee, this is going to be a working group. These are folks that are going to have to get through a consensus and have to help make decisions and in our experience a range of 20 to 30 people is effective. 30 is about the upper limits of what is manageable in a group dynamic and 20 is probably at the lower end of what is going to be perceived as truly representative. Again this is our experience, that's probably the most workable group. Third, we believe the committee should have clearly defined responsibilities. We will help define those responsibilities as the -- as the distinguished from the

responsibilities of -- of consultant, staff, planning commission and your ultimate responsibility to embrace, adopt and implement this plan. The fourth habit. The community has to have effective leadership in a chair and a vice air who understand their role, widely respected in the community, are willing to put aside any -- any preconceived agenda and who are affected -- effective at building consensus and keeping the committee focused on the task at hand and making timely decisions. That relates to the next one. Committee should operate effectively, make decisions, move the process forward, the committee is going to have a tight time schedule. 18 Months sounds like a lot of time. But there are a whole array of very important fundamental decisions about the future of austin that the council committee is going to have to make in a sequence. And it's got to keep its eye on the mark and not get distracted. Next the committee has to understand that a comprehensive plan is a plan from 30,000 feet, it is not a neighborhood plan, not a sector plan, not a downtown plan. Not focused on a particular section of the city. It looks at the city as a whole and it looks at the relationship between austin, the city of austin and the region. What that means is that the city ought to first focus its attention on establishing the destination for the comprehensive plan. What was a sustainable -- what does a sustainable city of austin look like in 25 years? That's going to be the vision. Secondly, what are the strategy directions that will -- strategic directions that will get us from where we are to achieving the result. Not the unduly distracted debating tactic. Next. The committee members should take a fresh approach and be receptive to new ideas. We would expect that the folks that you are going to tap for this are going to be well involved in civic affairs, they're going to be experienced in -- in the serving in singular capacities, they are going to represent particular constituencies, they have biases, they may have, but they need to be willing to put aside any preconceived bias or agenda -- bias or agenda and consider the committee.

[01:54:35]

[Indiscernible] that leads me to the next one, they need for focus not on what separates them, you will find endless reasons to disagree on minor points and focus on making progress on the common ground or common consensus, sustainability in a liveable, thriving austin. 9th, LAST AND NOT LEAST, Is the committee needs to be composed of people that play well together. That needs to operate on the basis of mutual respect and civil discourse and the -- the chair and vice chair will be the enforcers of these rules of conduct. So that's it. Those are our suggestions to you as to what to look for in the folks that you will -- we will be happy to answer any questions.

>> Mayor Leffingwell: Any questions, councilmembers? Councilmember spelman?

>> Spelman: I am wagish, but I have to mention this. Your first of the nine habits is the committee should broadly respect the constituencies around the community. But your seventh say the community members should take a fresh approach and be receptive to new ideas. How are we going to be representative to this community if we are only picking people who are receptive to new ideas? That was a rhetorical question.

[Laughter]

>> Mayor Leffingwell: Councilmember riley.

>> Riley: First I want to thank you for being here for the presentation, it was very helpful. I wanted to ask you about one aspect, you said the size of the committee should be manageable, typically no more than 20 to 30 people. During a previous briefing on this, I was struck by the discussion about peer cities and that what we saw in looking at a number of other peer cities was that the number typically was actually much higher than we had been talking about. In fact we saw numbers up in the range, some cities of our size up in the range of 90 members or even -- up in that ballpark. You didn't really find any examples in the range that you're talking about. At least on the list that we saw. I wanted to ask you about that. After that discussion we had been focusing on an installer number, that discussion in the briefing made me wonder if we should be looking at a bigger number.

[01:57:07]

>> We have experience in communities where there are literally over 100 people who were involved in some form of the committee to create the comprehensive plan. Kansas city is one where there were multiple committees and hundreds of people. But in almost every instance that I can think of, there was within that larger committee a smaller committee, whether you call it a working group or steering committee that is charged with hearing all of the voices and coming to a decision. Regardless of hundreds in our experience there is that core group that is more nimble and manageable. The appointment of 20 to 30, a committee of 20 to 30 does not preclude the committee's decision that we need to widen the net, so to speak. And it may lead them to suggest that focus groupings be established or technical support group might be established. So -- so -- but again, it's simply our experience that a core group of 20 to 30 making the decision, the ears of the community, is manageable, more manageable than trying to get a group of 90 people in a forum setting to make tough decisions.

>> Mayor?

>> Mayor Leffingwell: Councilmember cole?

>> Cole: First of all, I would like to thank you for adding to the considerations of the matrix for the advisory committee the gay and lesbian community. Because I think that's very important. And second, I wanted to -- to go back to the first page and emphasize to my colleague that the comprehensive plan and transportation committee, which includes councilmember morrison and councilmember chris riley and I, are contemplating, considering all the applications that come in, particular nominations that we get at that meeting. The reason we decided to make that generous offer was that we were concerned about the compressed time table. And our ability to get it done unless we actually just met and tried to do that as a committee. Of course all councilmembers are invited to any committee meeting, any of you are welcome to participate in that process. If there's any concern about that, please let us know and let us know right now. But the idea was so that we could get it done.

>> Mayor Leffingwell: Councilmember, speaking for myself, you have my blessing

[laughter]

>> Cole: I want your proxy

[laughter] now, councilmember riley asked a series of questions that we also considered in committee, which was the -- about the size of the committee because we all are familiar with the fact that austin has a lot of interest groups. So any guidance that you could give us like setting up technical advisory committee or whatever, environmental or transportation, or what's been done in peer cities would be very helpful.

>> That's also part of the planning commission's recommendation. Their recommendation was, an initial steering committee and then looking at formation of additional -- additional interest advisory committees around the various topics of the plan. As we go along. We had thought about asking people as we go along to express their interests. Our consultants have discouraged us to do that up front for fear that people will go into camps, transportation, land use, housing, human services, so forth. That's the first part of the plan really needs to set the basic direction for the community. And all of the participants all of the various subject areas feed to be involved. Need to be involved. They need to be involved with setting the direction for the plan. Then later as we get into more specific strategies and implementation techniques, there will be a need for specific committees that are formed around the topics of the plan. Usually those are self selected. It works pretty well. When people are invited they will join.

>> I had another question. You mentioned that there should be, of course, a chair and a vice chair. But you didn't tell us whether they should be counsel appointed or if they should actually be selected by the committee. Do you have any thoughts on that in terms of what has happened to other peer cities.

>> Let me -- let me ask david that question

[laughter]

>> I'm sorry. I would urge that to be a council decision.

>> Okay. And -- and the last question is -- you emphasize that this process is supposed to be from -- from 30,000 feet. That it is not a detail oriented process. I still think we might have difficulty explaining to applicants, especially who are going to make a big title commitment, exact -- time commitment williamson countly what that -- exactly what that means 30,000 feet.

>>> We will define that at length. One thing that means is in contrast to the smaller -- contrast to the smaller scale neighborhoods, the comprehensive plan will not be site specific. We're not going to be dealing with individual pieces of the property. We are not going to get specific. We will be specific in what the city is committed to do, what time period, it's going to be very specific in terms of actions, but people should not think of it as a site specific determining the use of every property in the city of austin

as a master plan.

>> Okay. Thank you.

>> Mayor Leffingwell: Anything more? Councilmember morrison? I didn't think we were going to get --

>> Martinez: I do have questions --

>> Morrison: I have questions, I want to thank staff and also consultants for hosting last night's meeting. There was a meeting last night to kick-off input -- for gathering input on the public participation plan. I'm not sure how many people were there. I got to attend --

>> right at 70.

>> That's what I was going to guess. 70 People there. It was a really good positive feeling. -- Lots of optimism about -- about this -- you know, starting a really productive process. I don't think last night could been bad, I saw one challenges when I mentioned to you all, there were exercises to talk about various aspects of public participation. Normally involved -- weren't there last night, we weren't asking them, we were asking the people that are always involved how to get the other folks. I know there were a lot of good ideas that -- that -- that if you all also did a really interesting thing, that was gathered some demographic information, pie charts. You know, where you live, education, income, and all that. And it's very clear that we -- that we didn't have a diverse group of people last night. That's going to be one of our biggest challenges. I hope that we even at this very early stage put in extra effort to broaden our perspective on how to do good public participation.

>> I agree. And -- and last night many people said why are you asking us? We're here.

>> Yes.

>> Okay. So I thought, started thinking about this this morning. I think we could do a similar exercise in - - inviting a random sampling and actually invite folks from all parts of austin. Only income -- ages, so forth. Complete diverse picture. Maybe 30 to 50. In a focus group, take them through a similar exercise. And ask them the question, how did we get your peers because we invited them to come. I think we can do that between now and september 24th.

>> I appreciate your nimbleness in being able to look at what we have done, how to improve it. That will really serve us well. Let's see. I wanted to -- to see if i co clarification. I feel like I'm hearing two things, one from staff and one from the consultants on the role of the advisory committee that we're talking about. We're talking about -- about -- what we have discussed with staff, the roles are to be champions, ambassadors and guide. I think that that's -- that's -- you know, the guides part is putting -- public input and trying to sort through it. To really clarify what it is. But when I'm -- when I'm listening to your description, about consultants, I hear other words about the community advisory committee coming up with answers of what is a sustainable future look like, fundamental decisions about the future of austin

and directions and how we achieve that role. So I wonder if we could make sure to -- if I could get your thoughts on are you all thinking the same thing as staff? Are those just different words. They sounded a lot different.

>> I understand. I think we're talking about the same thing. I will let John address that.

>> I think that we're saying the same thing as well. This group needs to be the ears of the community. They need to make sense out of what they have heard. We are going to be working interactively with them. With -- to identify -- to get their consensus as to broad policy decisions. As an advisory committee, in an advisory role to the planning commission and you folks. You as the ultimate deciders. What they need to put in front of you, what they believe represents the consensus view in this community. Of the directions in which we ought to go.

>> Morrison: So it's not so much their view, but it's the -- it's their understanding of the community and maybe what aspects of the community they represent?

[Multiple voices]

>> this is what we think we heard. This is what we think we need to do in response to the broad public will.

>> Morrison: Great. I think important distinction. I know that we have talked a lot about it before. I think it's important for the public to understand that and for the folks that are interested in serving on this advisory committee, it's about interpreting and bringing together other people's perspectives that you represent. Not just pushing your agenda.

>> Exactly. Let me just say this about people will inevitably come with a particular area of expertise, particular opinions on subjects such as housing and transportation and that's great, they're going to bring their knowledge to the process. But they -- when they make policy or determine policy direction, they have to be willing to say yes this is what I think, but this is what I believe represents the will of the entire community. And simply knitting together focused plans or initiatives

[Indiscernible]

>>

>> Morrison: Great. Okay.

>> I think the critical point is we're going out and inviting the general public. Trying to get as many people involved as possible. We are really engaging them so that their values and direction create the basis for the plan. We don't have a two tiered system. The advisory committee is a critical part of that process. But we need to challenge them to keep their eye on the -- the generative aspects of the public process rather than their own opinion, when we said guides that what we meant. Not that we don't want

a strong advisory committee, they need to be very proactive, strong and represent the community.

>> Morrison: Fundamentally, we're talking about a plan that represents the community and so it's not just to represent the community advisory committee. Right. And of course I think this is the first time that i have seen this version of the backup, would it be all right if we provide a few comments here and there.

>> Absolutely.

>> Not right now --

>> this is a draft. If we want to keep the schedule. If we could have those comments perhaps by the end of the day tomorrow.

>>

>> Morrison: Sure, that would be fine. There are a few small things. One I do want to mention is -- on the grid on the matrix where we're looking at different interests and demographics to make sure that we got a broad representation, at the top, we have got, you know, AUGUST 6th, '09, TOTAL Membership goal is 21, plus pc members, this was I think the pc recommendation, is that correct? AUGUST 6th? That's today. Well, what is it, the 21 plus two pc members, is that -- are we adopting that by having this briefing? Or where are we on that the -- the actual formality.

>> You will have an agenda item creating the advisory committee by resolution on AUGUST THE 20th. You can put the number that the council wants the committee to be in that resolution.

>> Morrison: I think we will of course have to work on that, talk about that, but because we do have a complex -- complexity in getting this diversity, I'm thinking that we might also want to look at sort of a -- like as you say here a goal of a number of people, but leave it somewhat flexible so that -- so that in order to achieve what we really want to achieve we can. Let me see. I think this is going to be posted on monday, the information. I wanted to second councilmember cole's suggestion that it be real clear on the website and on the application just a summary about what the real role of these numbers are so we get people that understand what's going on. And I think we also talked about if there's a way we can give a -- a general ballpark idea of time commitments, we might want to do that, also. So that people know what they are applying for. I think that -- really that's all right now. With my smaller comments i will get to you tomorrow. Thank you very much for all of your work.

>> Thank you.

>> Councilmember shade?

>> Shade: One of the ideas that you just mentioned was trying to pull together a group quickly that

might be 50 people that you just randomly select.

>> The idea was that -- that we had a self

[indiscernible] group last night. They made the point that one of our prime questions was how can we get people interested in participating. They said we're here. So we obviously are different from other people. So my idea was let's assemble a focus group that -- that asks and take them through basically the same exercise we used last night.

>> Shade: I just can't thank you enough for that suggestion. Please pursue it. From my perspective one of the things that I kind of talked around is the idea of looking at this like jury duty. Literally having the demographics that you need so that we actually do hear from people that would never be attracted to coming to a meeting like you held last night.

>> Yes.

[Multiple voices]

>> there are methods of doing that.

>> Shade: Yes, I really just want to say publicly how much I hope you do that. Thank you.

>> Thank you. I do think people will agree to do it. If they think of it as kind of a one-time opportunity or think of it like jury duty. It's their civic duty and if they say no, then you go to the next person with the same demographic.

>> Right.

>> Yeah, okay.

>> Thank you.

>> Mayor Leffingwell: More questions? Thank you very much. Appreciate the presentation. And I think at this time, we need to recess the meeting of the austin city council and call to order the meeting of the austin housing finance corporation.

[One moment please for change in captioners] z staff was prepared today to recommend all seven items on your consent agenda although i believe you have speakers signed up for several of those. If you would prefer, I would be happy to go through a quick summary of each one of the items and pull up speakers. However you wish to do that.

>> Mayor Leffingwell: Why don't you go ahead and go through the quick summary of each item.

>> The first two items, numbers 1 and 2, are simply to approve the minutes of the board meeting from june. Item 3 would award an additional \$550,000 to the guadalupe neighborhood development corporation for pre-development work on their 11-acre subdivision in central east austin.

>> Mayor Leffingwell: Ms. shaw.

>> Yes, sir.

>> Mayor Leffingwell: My sign-up page shows that we have no citizens signed up wishing to speak.

>> I believe I have items on 4, 5 and 7. I haven't checked in a while.

>> [Inaudible]

>> Mayor Leffingwell: I show -- I have refreshed and i show one citizen on 6 and four on 7. Correct? Okay. Go ahead, ms. shaw.

>> One more on 5 as well.

>> Mayor Leffingwell: I have one citizen signed up not wishing to speak.

>> [Inaudible].

>> If they are technical questions, I understand.

>> Mayor Leffingwell: Okay.

>> Items 1 and 2 are simply the board minutes from june. Item 3 would award an additional \$550,000 to guadalupe neighborhood development corporation for their 11-acre subdivision in central east austin. Hfc's total investment the 6 million to create 90 affordable homes. 58 Of those are for ownership opportunities and 32 rental. Gmbc is targeting clients between that 50 and 65% of median family income. For 60%, that's about \$30,000 for a single person and 44 for a family of four. 5 million to ven activity er services of austin to acquire 24 units off south lamar to expand their saint louise program which serves homeless and near homeless families at or below 50% of median family income. As you ray recall, hfc awarded bond funds for them to acquire 35 units a few months ago and it was featured in a variety of stories on the housing bond program. Item 5 would loan green doors, formerly known as the community partnerships for the homeless, \$2 million to continue their acquisition and renovation of 46 units in sweeney circle off of manor road to residents earning less than 50%. This is in addition to the 3 million hfc awarded for 24 units on the cul-de-sac. Green doors has faced a number of flags the criminal element of this -- challenges from the criminal element and I wanted to recommend the austin police commander for their assistance in supporting the staff of green door as well as revitalizing the neighborhood. We appreciate their support.

>> It's commander ernie prada.

>> Thank you very much. Appreciate the correction. I'm pleased to have staff recommend two action items involving the texas department of housing and community affairs tax credit program. It's been several years since austin has received a tax credit project. We already have one now and we may receive more. Item 6 would award foundation communities \$2 million to support their application for credits for m station. 150 Unit mixed income family development located at mlk transit oriented district. This loan is subject to action by the tdach board at their NEXT MEETING ON THE 3rd. The board placed on a waiting list for 2009 credits and this action is probably no doubt in part to the hfc president's presence at that board meeting and speaking on behalf of all of our applications. Staff would recommend that the board take action today to support that application in the event they receive credits in september and need to show that local commitment. Again, those units will be a mix of below -- most of them below 60% of mfi and a handful at market. Lastly is item 7 which is a loan of \$3 million to the mud hollow group to support the acquisition and development of the malibu apartments on north lamar located about a mile and a half from the planned lamar transit station. This is the largest project in hfc's history, 476 units with a mix of five different income levels from very low income, 30%, to market rate. 90% Of the units are going to serve families and individuals that earn below 60% and half of those would earn below 50% of median family income. Tdhca board did award credits at their july board meeting so this project will continue if action is approved today. That's the conclusion of my remarks. I'm happy to answer questions for come back after the speakers.

>> Mayor Leffingwell: Thank you, ms. shaw. Before we go on, I'll recognize you next, councilmember. All of the speakers who have signed up are speaking in favor. So I believe we can take the entire agenda on consent and if they still want to come up and speak and try to talk us out of it, then we can --

[laughter] we will plan on taking hums 1 through 7 on consent. Councilmember morrison.

>> Morrison: Thank you, ms. shaw. Just a couple of questions.

>> Sure.

>> Morrison: On number 7, the one 8600 north lamar, i know there was a bit of an issue about contact with the neighborhood association. Could you talk a little about how that -- you know, if we -- if they now have been in contact with the neighborhood association and what processes we have in place to make sure that we do that?

>> I think it's appropriate to defer to the developer's representative and owner on that.

>> Hi, good afternoon. Sara andre, consultant on the project. We've always been in touch with the neighborhood. There are two neighborhood groups registered with the city of austin that are within that area and we have -- actually have letters of support from one of those neighborhood associations and a representative here today. The controversy that you are talking about dealt with state regulations and whether or not we were required to notify neighborhood organizations on -- that are registered with the s

we are not. We're required to notify neighborhood organizations that are registered with the state and/or the county.

>> Morrison: Oh, I see. shaw, how do neighborhood organizations register with the state and county?

>> As I recall from my developers days, they submit a letter to the state clerk. The clerk of the state is the -- secretary of state. And then to tdhca's multi family bond program. It's a letter requesting registration.

>> Morrison: I see. So that's interesting. That's new information to me and it's not really -- I don't know if that's common knowledge.

>> Yes, tdhca also extends out neighborhood briefing packets to the neighborhoods that are -- the neighborhood associations, rather, but actually those are only those registered at that time state or county level. All of the required correspondence with neighborhoods is dictated by the qualified allocation plan. It used to specify cities, organizations registered with cities and they took that out. That's where that comes from. However, if you are in the city of austin and you want to apply to ahc for funds, you need to talk to your neighborhoods.

>> Morrison: Okay. shaw, I don't -- I just wonder if maybe that's something we could talk about with the cdc or something to try to marry up the -- or make sure people are aware if they want to have the interaction with the --

>> I'd be more than happy -- I'd be more than happy to do that and the simplest way is working with my colleagues in planning. They are required by the statute to send letters so tdhca will send a letter to the mayor when they receive an application for a tax credit oject. I'm more than happy to forward those to the planning department to make sure that those letters are forwarded to the neighborhood with covenant from me saying here's how you can access information about this program.

>> Morrison: Something like that would be great because i feel like we had --

>> [inaudible]

>> Morrison: Yeah. Once other question. Since this is a rehabilitation project, do we have -- do we have compliance requirements in place and do we know what -- in terms of the work being done and us, do we actually have to go in and sign off that they've done the rehabilitation or how does that all work?

>> I guess are you meaning on the building code and bringing up the building to rehab --

>> Morrison: Yes.

>> Tdhca sets minimum investments. I believe it's still 6,000 a door, but I'm not sure, of what they have to do as a minimum for rehabilitation. And then again the development and review team would come in

and make sure they are meeting all the international building code and other rehab code requirements that we have here. Most of that inspection is obviously done by the building department. The tdhca as well as the investor all have construction inspectors on site for those. The city does not. We tak tdhca and the investors review.

>> Morrison: Thank you.

>> Mayor Leffingwell: Councilmember shade.

>> Shade: If I remember because I want to get some clarity on this -- I hadn't thought about it in a while, but the question that councilmember morrison asked about the neighborhood association and the controversy. If I remember correctly because this was obviously a heated discussion when we looked at this back in the fall, the state gave points for homeowners association, which is the support that the project had received, but at the city we give points for neighborhood associations. Is that correct? And neighborhood associations that we would be giving points bond award process goes is based on those neighborhood associations that are with the city as is the normal case like what councilmember morrison is used to. No state -- whatever certification.

>> You are correct. There's two different levels of verification for neighborhoods. andre referred to, the tdhca requires that you notify -- a minimum, so you can do more, but a minimum is that with associations that are registered either with tdhca or travis county for us. In ours it's representing that you have worked with the neighborhood. I'll have to get back to you on exactly what that transaction is, but those would be examples. So when they showed actions, meetings, minutes and -- we've taken a lot of that, but i think what I'm hearing from the board today is we want to make sure that the registered city neighborhood associations know about this project, understand it and their access to --

>>

>> Shade: What I was really getting at was the fact we realize the state has a different way of scoring than we do, but the discussion we had -- some of the same christ, but some of them are not. And the discussion that we had last fall if I remember correctly was in trying to prioritize those -- hopefully they will all three get funded and it may be that happens based on the results of this last meeting. And I'm thrilled that that could happen. But in terms of trying to set priorities, if I remember correctly, you know, we give emphasis on neighborhood association support, and when I contacted the neighborhood association back then, that wasn't the case. They didn't -- they either didn't take a position and had not met bit and that didn't matter at the state level but it did at the city level which is one of the reasons the other two projects at that time this neighborhood support in the way that our city defines neighborhood support. I think that's an important clarification in terms of the discussion whenever, if ever we would have a situation like we did last fall. Our priorities are there. That doesn't mean that the state's are the same.

>> Correct. And I believe I've heard and what we're going to work on how we define what working with the neighborhood is. If you have specific questions on this transaction and their interactions with the

neighborhood, I would be happy to have them come and --

>> I'm happy to hear it sounds like the neighborhood has gotten more involved and recognize too that I understand that this is a developer with a good reputation for community involvement and that sort of thing and although I didn't get to meet with the developer on this visit, I did spend a few minutes with him when he was here last fall. I would love to hear how progress has been made. Maybe you might want to address that in the open forum, but in terms of child care and community services that you were talking about offering, I think we would probably all be interested in that. But again, this is really more of a clarification, not with any disappointment. Obviously I'm very happy -- I will be supporting this project as everything else on the agenda.

>> Mayor Leffingwell: Anything else? Okay. Before we open for a motion, I'll go ahead and hear from the speakers. First signed up on item 5 is Greg Esparza. Greg Esparza. You have three minutes.

>> I'm Greg Esparza, volunteer coordinator for Green Doors. I'm really here if anybody has any questions about the project. About item 5.

>> Mayor Leffingwell: Any questions? Thank you, Greg.

>> Thanks.

>> Mayor Leffingwell: Laurie Renteria is also signed up in favor and not wishing to speak. Item 6. Walter Moreau is signed up to speak in favor. I also note that Laurie Renteria signed up for not wish to go speak.

>> Walter Moreau, director of Foundation Communities. I'll be real brief and just thank you for your support and thank you, Mayor, for speaking at the Texas Department of Housing last week. I think it made a real difference. There are not a lot of cities and mayors that have been such strong supporters of affordable housing and that really helped. M Station is sort of our dream project across the street from the MLK train station. 150 units, family friendly design. Both the floor plans and exterior spaces. Most of units are for families 50% below median income and 15 for extremely low-income families. Part of our Children's Home Initiative. We're building to a LEED Gold standard. On site we're building a child care center with open door pre-school as well as our learning center for after school tutoring kids. We have great neighborhood support and we're really excited about the project and I want to thank you for all your support and vote today and we'll keep you up to date on how it goes. Thanks.

>> Mayor Leffingwell: Thank you, Walter. And we'll continue to do all we can to help in this effort. Mr. vice president.

>> I want to move approval of -- we still have one left.

>> Mayor Leffingwell: One more.

>> I'll wait.

>> Mayor Leffingwell: We actually only have one person who wishes to speak. It's Eleanor Langsdorf. While she is coming forward, Paul Sal today. Ana, Royce Mulholland are signed up in favor and wish to speak only if there are questions and Royal Sombrano signed up not wishing to speak but in favor.

>> Good afternoon. Eleanor Langsdorf, president of the North Austin Civic Association, which is a neighborhood association. And as you said, we were not originally notified because we are not registered with the state and never knew we need to do register with the state. I am here to support the project because I think this area needs much more affordable housing and much more decent affordable housing and I thank you for your willingness to fund the project. Thank you.

>> Mayor Leffingwell: Thank you. Mr. Vice President.

>> [Inaudible]

>> Mayor Leffingwell: Oh, you did. Sorry.

>> Good afternoon and thank you for the opportunity. Thank you for your support in recent weeks. It's been a long process.

>> Mayor Leffingwell: Can you give us your name, sir? I'm honored to be here in the city of Austin. I look forward to being here in the next 15 years. And in response to Councilwoman Shade, we have, again, a four-prong problem as that base is education, health care, recreation and job assistance. That model is going to -- that we currently do in Richmond, Virginia, will be brought here to Austin. It will be implemented over the course of the next six to nine months. It won't be fully operational until we complete construction which will be sometime in the late fall of 2010. But the physical plant lends itself very nicely. We're going to be doing it in a much more efficient way. Part of our problem in the past is mixing the social programs with the operation of the complex itself. We're going to be building probably 1500 square feet that will be dedicated to after school education, learning centers, English as a second language, which is currently being done on sort of an ad hoc basis at the site. We will work with the city council and with the neighborhood organizations to help not only provide services at our facility but to try to work collectively with the neighbor, the Hurman Apartments, who are in need of services. That's an approach that we will work with you all over the next 18 months.

>> Shade: I know it was a bumpy road last fall, but I want to reiterate I'm pleased to have you in the mix of developers doing affordable housing in Austin and look Shaw not saying we don't have a private developer. We will be watching and hoping for great success and I appreciate all you've been through.

>> Thank you kindly. You know, the tough action is now what I have to provide and demonstrate my word so we're sincere and true and I hope 18 months from now we can gather at the Malibu and open the learning center, open our apartment complex. Thanks.

>> Mayor Leffingwell: Any more questions? I'll recognize the vice president for a motion.

>> Martinez: Thank you, mr. president. I just wanted to say a couple quick words. These projects, where they are located and what's being contemplated, I want to thank staff for their work and for these groups coming forward. But specifically one that's literally in my backyard the sweeney circle project. Hi the opportunity to go out and tour the site and, you know, I've been working in east austin my entire career and if you have been down sweeney circle 15 years ago, it was exponentially worse and it's still pretty bad, but i think with the work green door is doing and with the relationship with apd and the hard work they've done to try to mitigate the crime issues, I think it's going to be a huge asset to revitalizing that part of the manor road, rogg lane area. With that I'll move approval of all these agenda items on the austin housing finance corporation.

>> Mayor Leffingwell: Vice president moves approval of items 1 through 7. Is there a second? Seconded by councilmember morrison. Or excuse me, board member morrison. All in favor say aye.

>> Aye.

>> Mayor Leffingwell: Any opposed? Passes on a --

>> Spelman: Have you to show me and board member riley abstaining on 1 and 2 because they are minutes of meetings we were not present at.

>> Mayor Leffingwell: So abstaining board member riley and board member spelman because they were not in attendance at those meetings.

>> Spelman: Only for items 1 and 2.

>> Mayor Leffingwell: 1 And 2. And on items 3 through 7, the vote is 7-0. Okay? Without objection, at this time we'll adjourn this meeting of the austin housing finance corporation and call to order the meeting of the tax increment financing board number 16. chair and board members. My name is rodney gonzalez, acting director for the economic growth and development offices of the staff recommends agenda item 2 be taken separately and 3 and 4 being considered on consent. Starting with agenda item number 2, this item is eye proof election of a vice chair for the board of directors of tax increment reinvestment zone number 16. The election of a board vice chair is a formality that is contained in the ordinance number 16 in december 2004. This is a standard item for s and a role traditionally served by the mayor pro tem. Motion to approve agenda item 2 should include the nomination of a board vice chair. chair, this concludes my discussion on this item. In order to conduct further board needs to take action on this item.

>> Mayor Leffingwell: All right. I'll entertain a motion for nomination of the board vice chair. Board member shade.

>> Shade: I'll make a motion to nominate mike martinez as the vice chair.

>> Mayor Leffingwell: Board member shade nominates martinez as -- for vice chair. Seconded by board member spelman. Any discussion? All in favor say aye.

>> Aye.

>> Mayor Leffingwell: That passes on a vote of -- pardon? That passes on a vote of 7-0. Did you have -- passes on a vote of 6-0 with councilmember cole off the dais.

>> Thank you, board member. Agenda item 3 is approve a resolution recommending adoption of the final project plan and financing plan for the mueller redevelopment project tax increment financing reinvestment zone number 16. On december 16, 2004, city council adopted the preliminary project plan and financing plan and created the through an ordinance as required by state law. The adoption of a final project plan and the financing board is a required step in the t.i.f. Process as outlined by chapter 311 of the texas tax code. The adoption is also preliminary step in order to bonds which will require separate action and approval at a later date by the city council. It is anticipated that a request to issue bonds will be brought to city council for approval either on august 20th or august 27th depending on market timing. Agenda item number 4 is authorization to execute an interlocal agreement by and between the city of austin, the tax increment financing reinvestment zone number 16, and the mueller local government corporation regarding tax increment financing of the mueller project. The city council created the mueller local government corporation on december 2, 2004, to issue debt that will be repaid from tax increment collected during the duration of the t.i.f. The interlocal agreement specifies that the local government corporation will implement and manage the project plan and financing plan and will provide public financing for the mueller redevelopment project. The interlocal agreement authorizes the mueller local government corporation to issue nds that will be repaid from the t.i.f. Revenues. chair, this concludes my discussion on items number 3 and 4. As mentioned previously, both of these items are offered on consent.

>> Mayor Leffingwell: Any questions? Is there a motion to approve items 3 and 4? The vice chair moves approval of items number 3 and 4. Is there a second? Board memo-board member morrison seconds the motion. Is there any discussion? All in favor say aye.

>> Aye.

>> Mayor Leffingwell: That vote is 6-0 with board member cole off the dais. And that, I believe, concludes our agenda for the t.i.f. Number 16. So without objection, I will adjourn this meeting of the financing board number 16 and call to order the meeting of the mueller local government corporation. chair and board members. My name is rodney gonzalez, taxing director for the city's economic growth and redevelopment services office. And the secretary for the mueller local government corporation. Staff recommends agenda items number 2 and 3 be considered on consent. Starting with agenda item number 2, this item is approve the minutes for the september 8, 2008 regular board meeting which are included as backup to the agenda item. Agenda item number 3 is authorization to execute an interlocal

agreement by and between the city of austin, the tax increment financing reinvestment zone number 16 and the mueller local government corporation regarding tax increment financing of the mueller redevelopment project. As I mentioned before the city council created the mueller local government corporation on december 2, 2004, to issue debt that will be repaid from tax increment collected during the duration of the t.i.f. The interlocal agreement authorizes the mueller local government corporation to issue bonds that will be repaid from t.i.f. revenues. chair, this concludes my summary on both of these oned previously both items are offered on consent.

>> Mayor Leffingwell: There are no citizens signed up to speak. So the floor is open for discussion or a motion on items 3 -- excuse me, 2 and 3. Is there a motion to approve items 2 and 3? Vice president martinez moves approval of items 2 and 3. Is there a second? Seconded by board member morrison. Any discussion?

>> Spelman: Yes.

>> Mayor Leffingwe: Board member spelman.

>> Spelman: Yes, board chair leffingwell, two issues. First, councilmember, board member riley and I were not in attendance at the september meeting so we cannot approve the minutes, and second i think this is going to be my only opportunity this year to refer to president ott and so I would like to acknowledge that president ott is also here with us. He is the president of the mueller lgc.

>> Mayor Leffingwell: The clerk will show board members riley and spelman abstaining on item number 2, which is approval of the minutes. And so I believe we've taken the vote. It's 6-0 with the abstentions noted and board member cole off the dais. That completes our agenda for the mueller local government corporation board of directors. And with that, I'll adjourn this meeting of the mueller local government corporation and reconvene this meeting of the austin city council, and i believe we can take up item number 11. And you are right there to do it.

>> Mayor, mayor pro tem and council, rody gonzalez, acting director for the city's economic growth and redevelopment services office. 11 Is approve an ordinance adopting the final project plan and financing plan for the mule he redevelopment project. On december 16, 2004, city council adopted the preliminary project plan and financing plan and created the through an ordinance as required by state law. The adoption of a final project plan and financing board is the final required step in the process as outlined in chapter 311 of the texas tax code. Adoption is also preliminary step in order to issue t.i.f. Bonds which will require separate action and approval at a later date by city council. Mayor, this concludes my summary on agenda number 11. item needing approval today.

>> Spelman: Move approval.

>> Mayor Leffingwell: Any questions? Councilmember spelman moves approval. Is there a second? Seconded by councilmember riley. Any discussion? All in favor say aye.

>> Aye.

>> Mayor Leffingwell: Any opposed? That passes on a vote of 6-0 with councilmember cole off the dais.

>> Thank you.

>> Mayor Leffingwell: And i believe I'm correct, city clerk, that we have no more items that we can address until 4:00 p.m. time certain.

>> Spelman: Mayor, move to recess until 4:00 p.m.

>> Mayor Leffingwell: Well, I was just waiting for the clerk to double-check. All right, without objection, we stand in recess until 4:00 p.m.

>> Mayor Leffingwell: We are back from recess. And we will take up our time 00 zoning cases. Mr. guernsey.

>> Thank you, mayor and council. My name is greg guernsey with the planning and development department. Item 48 is case c 14 h 2008-0037 for the property located at 1300 to 1302 east 4th street. I offer this item for consent approval on second and third readings. This item, the public hearing has been closed.

>> Mayor Leffingwell: Is there any discussion or motion for approval of item 48? Motion by councilmember spelman, seconded by the mayor pro tem. Any discussion in all in favor say aye?

>> Aye.

>> Mayor Leffingwell: That passes on a vote of 6-0 with councilmember cole off the dais.

[Applause] guernsey, you can go ahead with the items for which a public hearing has not been held.

>> Thank you very much, mayor. First I would like to offer for consent item 14 for the property locate at 13985 fm 769 road. The recommendation was to grant limited office mixed use and this is ready for consent approval on first reading only. 03 for the property located at 1811 spring dale road and 4705 hef limit n lane. Recommendation is approve a specific use designation. Item 51, case c 14-2008-0174 for the property at 1811 spring dale road and 4705 heflin lane. The planning recommendation was grant a change to p-co-np combined district zoning and this is ready for consent approval on first reading only. Item 52, case c 14-85-339 rca for the property at 400 to 900 block of east yager lane. Applicant has requested postponement to the august 20th agenda. A related item, item 53, c 14-2008-0193 for the 500 block of vfw road, again, the applicant has requested a postponement of this item to december 20th agenda. Item nu 101 in the east cesar chavez neighborhood plan amendment. This is a discussion item, item number 54. Item 55, a related item, case c 14-2009-0036 for the east cesar chavez neighborhood planning area. Vme zoning. This is a discussion item. Item 56, this the comanche canyon, this is also a

discussion item. The next item I can offer for consent, item 57, c 14-2009-0049 for the property on leon street. Recommendation of planning commission was to grant multi-family residence moderate high density neighborhood planner combined district zoning and this is for consent approval on all three readings. Item 58, case c sh-2009-0058 for the property located at 1901 big horn drive. Planning commission recommendations is grant single-family residence, standard lot or sf-2 zoning and this is ready for consent approval on all three readings. Item 59, case c 14-2009-0059 for the property at 888 bannister lane. Mayor, we have a discussion postponement on this item so when we get done with the consent agenda items we can come back to this item and you can discuss what to do with the postponement request that you have on this item. Item 60, case c 14-2009-0061, for the property locate at 3404 south fm 973 road. The zoning and planning commission's recommendation was to grant p district zoning with conditions and this is ready for consent approval on all three readings. Item 61, case c 14-2009-0063 for the properties on patton avenue, this will be a discussion item. We believe we have some opposition to this item. Item 62, this is for the property on green lanes. Number 1 green lanes drive. We have a postponement request. I think that's to AUGUST 20th. AUGUST 20th, ON THIS ITEM. That's number 62. Item 63, case c 14 h 2009-0011 for the property located at 1603 pearl street t planning commission recommendation was grand sf-3-h combined district zoning and this is ready for consent approval all three readings. Item 64, case c 14 h-2009-0013 for the property located at 2001 university avenue. The planning commission recommendation was to grant multi-family residence, moderate high density, historic landmark, neighborhood plan. And this is ready for consent approval on all three readings. Item number 65, case c 14 h 2009-0017 for the property locate at 408 west 32nd street. Planning commission recommendation was to grant -- excuse me, staff postponement on this item to SEPTEMBER 24th. And that's for item number 65. Item 66 is case c 14 h-2009-0019 for the property located at 2111 sl davis avenue and the planning commission recommendation was to grant family residence, historic landmark, neighborhood plan combining district zoning on this property and it's ready for consent approval on all three readings. And that concludes the items i can offer for consent.

>> Mayor Leffingwell: On the item number 59, discuss postponement, is this a first request?

>> It is a first request. I understand the neighborhood is seeking a postponement to AUGUST 27th. The applicant would like if there's a postponement that's GRANTED TO AUGUST 20th. I know I think the applicant's representative is here and i believe the neighborhood representatives are here if you would like to hear from both sides regarding the postponement issue, you could do that at this time.

>> Mayor Leffingwell: All right. We'll hear from both sides.

>> The neighborhood is going to come up first and speak to their postponement request.

>> Good afternoon. I'm patty sprinkle with the glendale elementary neighborhood association. I'm a member of the executive committee. And we would like to postpone this to august 27th for several reasons. We're working right now to get in with many of you to let you know the full story here on this zoning change. There's a couple of issues that have been a little bit glossed over. We have another issue on the 20th. The homeowners association of bannister place condominiums has their regular scheduled board meeting, which this item is up for discussion that night for their committee, and we also

-- glendale will be presenting at that meeting and answering questions for them and we feel -- we could be HERE ON THE 20th, THE Homeowners association could not and they are a good part of the story that needs to be told as well. Their meetings are planned ahead of time by year and we feel like we need this opportunity to spend time with you all, get you up to speed on what's going on. We have several issues that have to do with the actual geographic physical location of the site and some other neighborhood planning issues that need to be brought to your attention. So I have spoken to a few of you on the phone and not been able to get with the rest of you and we do feel like that it's not unreasonable to push this a little bit farther ahead. We were notified June 15th of this zoning change. We are two months now into it and we don't want to hold or delay the process, but we do ask that you respect that we are a volunteer organization. Many of us work full time. I work for myself and I am on call right now for three different women to have their babies so I'm glad I'm here today to speak to you, I didn't know that I would be. We don't feel it's unreasonable to ask for the 27th. I do understand that maybe there's some vacations going on on the other side, and again, it is summer and many of our families in our neighborhood are on vacation as well. If you have any questions or other concerns, I'm happy to --

>> Mayor Leffingwell: Thank you. We'll hear from the applicant. Councilmember Spelman, do you have a question?

>> Spelman: Yes. This case was postponed from two weeks ago. On your request or the applicant?

>> I think this was partly to neighborhood's request. Again, we have a very -- volunteers who are working on this and trying to get the information to everybody in a timely fashion. We're doing the best that we can on that.

>> Spelman: It was my impression it's been a while since I was on this side as, but a few years ago it was customary to give one postponement request to each side.

>> And that would be at planning commission, and again, is it for each specific or just one for the entire case? I don't think --

>> Spelman: It would have been one postponement per side at the planning commission level and again at council level. I'm not sure this is a custom I don't believe this is a rule.

>> Mayor Leffingwell: That's still the case, councilmember.

>> Yeah, so I -- I would say that, you know, if you need us to go today, we can go ahead and go today. You know, I don't feel that's fair. And I feel like, you know, the developer's agent used to work for the city, she has an inside track. And there are future land use maps that are out there that are available that the city is going against the neighborhood. I think we deserve a chance to show you what we think and how this is going to play out in our neighborhood. And the information that's being presented that's in the supporting documents is wrong in several cases and we need that opportunity. And we didn't find that out, I would say, until just the other day, given the nature of the way, you know as I say, we're

volunteers and we're trying to gather information, get our people together, et cetera.

>> Spelman: I understand. I just wanted to be sure you have an opportunity to make your case and it sounds like you at least are well prepared to make your case.

>> We are trying our best and we do feel like we don't want to stall this, that is not the intent, but it is summertime, it is -- I personally have committed to my work schedule months in advance when people come to me and hire me. So I can -- you know, I can do my best. I've worked a lot of hours already on this case that I had to take away from my business to do that. And I understand the nurses have a schedule too and they would like to move things along and we can appreciate that as well. It's not our intent to stall this out for any indefinitely length.

>> Spelman: I just wanted to verify the previous postponement from two weeks ago.

>> I believe that was the neighborhood and the homeowners association.

>> Mayor Leffingwell: My understanding it was a staff postponement.

>> I'm sorry, excuse me, greg.

>> We asked for a postponement because the commission had not yet taken action. And so they did take action on THE 28th. They delayed. When the planning commission did, came up and said they had asked both parties to try to resolve the issue before they took final action. When it was last before you, we asked for postponement. Basically on behalf of the commission because they had not yet taken action.

>> Spelman: So this is a postponement we would chalk up to staff not the neighborhood.

>> Sorry, I misunderstood you. I thought you were speaking about the planning commission and not council. I got confused. They had notified at the same time for council.

>> Spelman: We understand. Thank you, ma'am.

>> Thank you.

>> Mayor Leffingwell: And before you leave, just a quick question.

>> Yes.

>> Mayor Leffingwell: It was my understanding from guernsey that the applicant was willing to accept a postponement till AUGUST 20th. Did you say that?

>> I'm not sure if that's the case. I don't know.

>> That is my understanding, although [inaudible] is here on behalf of the owners and she can speak to that.

>> Mayor Leffingwell: Let's hear from ms. louisa. Excuse me, councilmember morrison has a question for you.

>> Morrison: sprinkle, do you know what's on the agenda for the condos next door that -- you are saying they are meeting on 20th?

>> I do know this item is up for discussion at their board meeting.

>> Morrison: Have you heard anything about them possibly considering residential -- down zoning to residential at that meeting?

>> That is on their agenda. They are considering that. Obviously it will be discussed by the homeowners association. I don't know how that will finally come out.

>> Morrison: That's fine. And I just want to comment that they are the only commercial on that property - on that street right now.

>> Mayor Leffingwell: Well, we're only discussing the merits of the postponement.

>> Morrison: But that's germane to it because the zoning could significantly change at their 20th meeting or they could be proposing a zoning change at their 20th meeting.

>> Mayor Leffingwell: I understand. Let's hear from the applicant's representative.

>> Good afternoon, mayor and council. As indicated we are in agreement with the POSTPONEMENT TO AUGUST 20th. However, the objections that we have are several. First is that the delay will add to the already mounting financial burden to the nonprofit association as far as dealing with the zoning matter. We have been working diligently and trying to get council action on this request before their statewide board meeting which will be held on SEPTEMBER 24th. And at this meeting, and let me back up, that is also the only meeting that the council will have during the month of september. So we have this schedule crunch going on. Also, the president and the executive director of the association will be presenting to the board at that meeting the status of the zoning case. And the status of the move into their new office location, and they would like to be able to have a definitive answer to tell the board as to what the status is at that time and the delay to august 27th would make that unlikely or more difficult to have some sort of definitive action one way or the other. Secondly, we understand -- it was our understanding that perry had requested the postponement in order for the bannister homeowners association have another board MEETING ON THE 20th. And they did meet on june 18th and voted to not support the zoning. And they had subsequent to the issue of the roll back to sf-3 and we indicated

that we legally cannot commit to a restrictive covenant that says that we will initiate or roll back zoning when we don't have the authority to do that. That is action only by city council and we cannot control that action so therefore that is not a legal option. So we did talk about that. So secondly, throughout all the meetings and interactions with both the bannister place homeowners association and the board, the position of the neighborhood has been consistent in not supporting the zoning request. So therefore given the fact that the zoning rollback from from the legal advice i received not a legal action that we can agree to, furthermore it would be creating a noncomplying situation with the sf-3 zoning, that we feel like a delay to august 27th would not produce any new change as far as recommendation on zoning. Last but not least, I will be out of town and it is certainly not a vacation. I'm taking my son to college and I'm taking care of my stepmother who had a stroke and I'm her trustee. So it is not a fun vacation by any stretch of the imagination. And I will be out of town flying in late that night and so that is another reason why we're requesting that you consider our request for the 20th.

>> Mayor Leffingwell: Council, I think normal practice for routine delays like this would be for two weeks, whether there were an intervening meeting or not. I would suggest that we could list this on consent postponement until august 20th and if extenuating circumstances come up at that date, the council could elect to postpone subsequent to that. Unless somebody else -- does anyone else have an alternative suggestion? Councilmember cole. Same thing?

>> Cole: So moved.

>> Mayor Leffingwell: I was going to playing it on the consent agenda if we have agreement to postpone item number 59 to august 20th and leave it on the consent agenda. So I'll go over the consent agenda. Consent on first readings for items 49, 50, 51, postponement until august 20th on items 52, 53. Consent on all three for items 57, 58. Postponed till august 20th on item 59. Consent on all three readings on item 60. Consent all three readings on items 63 and 64. Postponed till september 24th item 65. Consent on all three readings item 66.

>> Mayor pro tem?

>> Mayor Leffingwell: If i didn't read it, item 62 postponed until august 20th also. So I'll entertain a motion to approve the consent agenda. Councilmember spelman moves to close the public hearing and approve the consent agenda for all those items. Is there a second? Councilmember shade, all in favor say aye. Passes on a vote of 7-0.

>> Thank you mayor and council. That will bring us back to item 54. This is case npa twoint 002.01. I would like to introduce george adams, assistant director of planning and development review and he make the presentation on this item.

>> Good afternoon. Items 54 and 55 are related. Item 54 01 east cesar chavez neighborhood planning area neighborhood plan amendment. Item 54 -- I mean item 55 is case c 14-2009-0036, east cesar chavez neighborhood planning area vertical mixed use, opt in, opt out application. The map before you shows the boundaries and the area for the east cesar chavez neighborhood planning area. On the north

the boundary is the alley between east 6th and 7th street, on the west i-35, on the south lady bird lake and on the east chicon street. East 5th and 6th streets are classified as core transit corridors in this area, but the properties within the overlay district along 5th and 6th street fall under the plaza saltillo t.o.d. Stationary plan and are not included as this vmu application. However, the east cesar chavez neighborhood planning team did recommend opting in seven tracts which are shown on the map, opting in these tracts to the vmu provisions. The specific recommendations of the neighborhood planning team are to amend the future land use map for tract 106 to show a future land use designation of mixed use. To apply the vmu dimensional standards and additional uses in office districts to tracts 100 through 106. And finally to ap -- and the planning commission concurred with the neighborhood recommendations. They heard this case on may 12th. And then there was an addition to tract 103 that was heard on JULY 14th. That ends my presentation. I'd be glad to answer any questions at the appropriate time and this case is ready for all three readings.

>> Mayor Leffingwell: Questions? Mayor pro tem.

>> Martinez: Can you explain a little bit or talk about what I understand is this -- how did this get missed during the vmu process?

>> There was -- tract 103 is the tract that -- or a portion of tract 103 was not included in the original application. The way that we typically identify properties not included are by ownership. The -- there are two portions to this tract. There are different legal entities, but essentially the same person who owns them so the rear portion or the side portion of the tract was not included with the other side portion for that reason. It was -- it was really an oversight on our part based on the methodology that we use. But what it did is it added -- I don't know the exact dimensions of the second portion of the tract, but it added essentially an additional lot to tract 103.

>> Martinez: And in tract 106 and 105, the current existing use right now is used car lot, I believe?

>> I believe one of those is a used car lot. I am not sure about the other one.

>> Martinez: I think the other one is a service station.

>> Possibly.

>> Martinez: Car lots. Is 10 30's a used car lot?

>> At least a portion of it is, yes.

>> Martinez: Okay. Thanks.

>> Mayor Leffingwell: Further questions? So the city in this case is the applicant on both of these cases?

>> That's correct, mayor. This is part of the overall vertical mixed use process. We're bringing these forward with recommendations from the mueller local government case the neighborhood planning -- from in this case the neighborhood planning team.

>> Mayor Leffingwell: And we are considering both 54 and 55 together.

>> That's correct.

>> Mayor Leffingwell: And so far I have no speakers signed up -- I do have two speakers signed up in favor if there are questions. Laurie renteria and sabino renteria. Does anyone have questions of them? And I have about a dozen speakers signed up in opposition so we'll go ahead and call up the first speaker. Susana almanza. She has three minutes. Is susana here? Okay, we'll come back to her. We'll go to gavino fernandez. And he has two persons donating time, alicia montoya and ben ovadigu. Are both of you in the house? Okay. fernandez, will you have nine minutes.

[One moment, please, for change in captioners]

>> an increase that will ripple affect homeowners on 2nd to the north and willow to the south. As you well know we are currently experiencing a very high displacement of our people, especially senior citizens. Remember rainy? Rainy neighborhood association? It was rezoned from single-family to cbd nine years ago, with the speculation that each lot owner was going to get a million dollars. Well, nine years later those lots are still undeveloped but still carry that high intensive zoning, which the net effect is that it increased property values on those lots. And most recently we had property owners from rainy come to the planning commission to raise the concerns that they were paying anywhere from 8 to \$9,000 in property taxes on thought lots. They were never told that if those lots were not developed that the appraised value was going to go down. And this is the same reasons that we're looking at wanting you to put a hold to this spot zoning. And if I'm not mistaken i think that this government took a look at spot zoning and decided not to go there anymore. The other factors that -- you look at the backup, it was a handful of individuals that recommended this vmu zoning. Never was there a meeting of landowners brought to the table and asked their opinion of this proposed vmu zoning. While it is a good tool, it's not the appropriate time. Banks are not loaning monies for development at this time. So in the absence of that we're going to have the net effect of displacing people even much faster. This paper -- this email that I sent you clearly speaks to that, and this is coming from the authors of the contact team of cesar chavez. ben from push-up and marcelo, who owns land catty corner to push-up weren't even considered for this. So if it's a good thing for the economy and for the speculators, then why are we practicing discrimination? Because all the landowners are anglo. marcelo are latino and african-american. Were they being denied the american entrepreneurship opportunity in this case? And if that's the case, why? A response was them was that -- and I'll read it, affordable units in our area are very low income residents that the use -- this is push-up -- granted as a transitional use permit. We don't want to give you any incentive to go to commercial vmu because of the pitiful number of low-income residents near you who are getting pushed out by new projects and higher taxes. Well, folks, there are homes behind these properties on second and willow, unless they're not there anymore and I just missed it. But this is the same foundation and basis why we feel that this is not the appropriate time to implement this

change in zoning because of the mere fact and the mere reasons that they denied push-up to be considered in this upgrading by using vmu. Now, my question is, why are we doing this? Many of you on the campaign trail continue to echo your concerns of slowing down, stopping, if not eliminating gentrification. You wholeheartedly told the community that you were concerned and that you were going to look at ways to put a stop and revisit some of the zonings that is causing our people to be displaced. Our last visit to the planning commission was on that -- and you know this is something that I guess someone more powerful than you and I put in place, and that was god, because they missed one section that needed to be included. So that gave us the opportunity a window to come and raise our issues and our concerns. And we basically caught the cat's tail, if you would, because the planning commission had already given the vmu blessing to the majority of these properties. Now, what the planning commission recommended to us, or suggested to us, which we have been coming before you many times, and i guess we're using the wrong word, mayor pro tem, of moratorium, but they found another word, and that's a corridor study. I like riverside. I like lamar. There are many properties on cesar chavez that are incompatible. If I was to go with a code enforcement lot by lot, they would almost a whole year of addressing the incompatibility on cesar chavez, because you have businesses that their use is not what their zoning is. So while this is a great tool, it is not the time to do it at this time. It's like trying to fit an 8 size foot shoe on a 10 size -- and your foot is a 10 size. And I still raise the question, if I was to agree with this, why would minority -- why were minority landowners excluded from this? So we have twofold issues here. But I think that the appropriate way to address density -- we're going to be embarking on the comprehensive plan. Could that not be the tool where we will learn and find out where is it that this government wants density? That's what I'm being told, that the comprehension plan, that's one of the objectives, that's one of the scope. So why are we putting the cart before the horse in this particular case? And also in the background, the folks that initiated this was back in 2007. Some of those folks aren't even in the neighborhd anymore because it's that trend of homeowners or speculators that come in, flip their home, sell it, and I'll be right back. So I ask this council and this government to deliver on your promise in protecting and maintaining the cultural integrity of east austin by not putting more pressure on homeowners, especially senior citizens who are on a fixed income of 500 to \$600 a month. We have property owners around sanchez who exceeded their exemptions in 65 and older. So thank you for the opportunity, mayor, and i hope to see you deliver on the promises you made to our barrios.

>> Thank you.

[Applause] next speaker is marcelo tafoya.

>> Once again good afternoon. My name is marcelo tafoya. First of all I want to welcome all the newcomers to the dais, and I hope that we'll have a prosperous year, and I hope that we will be able to move forward on issues that pertain to our communities throughout the city of austin. Once again we come before you because there are two items here, 54 and 55, that will be displacing many of our people. Also, the same problem that we're having with the neighborhood associations against contact teams. It seems the contact team speaks for the neighborhood without speaking to the neighborhood, and to me this is a big issue, because without the neighborhood how can a contact team come before you on issues that have not been approved by the majority? We are a country of the majority will be the

deciders, would decide what they wish or not wish. So I can't understand why a contact team can make decisions for people that they never even contact. There's a lot of people that are going to not only be displaced, but you mentioned it earlier, the city missed us, and if the city missed this, how many other things has the city missed? How many things have the staff missed? And if somebody is not overseeing these things, you know, we can always come up and call discrimination. I don't believe in that. I believe in issues that are not occurring -- occurring because somebody not being informed, and an informed community is a community that will react, and in this case the community was not informed. So I ask you, please, to deny this, 54 and 55, for the welfare of our community, and I want to thank you all again. I appreciate it.

[Applause] thank you. Next speaker is daniel perez. Daniel? And there is one person signed up donating time to you, hope perez. Hope, are you in the house?

>> That's my mom. That's her.

>> Mayor leffingwell: okay. You have six minutes.

>> My name is daniel perez. I'm from east austin, in the neighborhood association there. I'm going to start off --

[indiscernible] couldn't be here. I'll start off with what he would say, and that would be chicano power. And I'm here on behalf of my neighborhood, my mom and dad live on willow and my mom 2006 has cel. Has -- haskle. We're not ready for changes coming to east austin. People call it central austin. It's east austin. It's always going to be that. It's the east side. And we're not ready for the change changes, we don't want -- we like our changes, the barrio. Chicanos are there, the mexicans, we like our schools our buildings. We don't like -- cause more taxes, people start moving out. Some of us have been there many years, our parents, people's parents. I think people need to recognize who we are and what we stand for you know, and that's chicanos. You know mexicanos, if you like. We're there for reasons. Years, years back, people put it there. White people put us in that neighborhood. They put us there for a reason. Now here comes years later they want the neighborhood back. That's our neighborhood. That's our barrio. Okay? And we don't need people to come in there and tell us that you-all need to move out, you know, because that's -- again, that's our neighborhood. And my parents have been there many years. I'm the one that goes around and talks to people in the neighborhood, tell people, don't sell, don't move out, don't show weakness. Stay down, brown and proud. And I'm glad to -- i graduated from johnson high school in '79 and I used to be a lifeguard now -- used to call it chicano park. We like to have -- we have our gatherings there. This past tuesday was our last hillside. I think that people need to just remember one thing, that we're there for a reason, and, you know, you take that away from us, you're taking history away from us. There's a lot of history there in east austin. Cesar chavez, willow, holly. I see what's going on on riverside now. You can see the changes from this side, but you know what, that's happening over there. It's not happening over here. We like our bike trails, we like our view from downtown, you know, and we like looking -- we know the city is growing downtown, but we know what it's all about. Again, you know, I go around and talk to people and explain to them the situation. There's a lot of people that don't speak very good english. I'm bilingual so I go and explain myself to

them before I do something and let them know how things are going to be and the way things should be. Again, we don't want the changes. We don't need them. We like our barrio. We like -- we have projects there right now, santa rita charmers. That's section a. You take it away where will the people go? You take away cesar chavez, second street comes in. Next thing you have a highway going through there. We don't need it. That's our barrio. That's our neighborhood. You know, we're not ready for that. What we do need, if I can address mike martinez, is maybe -- can I address him? Maybe need to take a walk-through the barrio and talk to the people the way i do every day, seven days a week, and let them know what's going on, the plans -- you move out of the barrio but everybody wants to know what's up with you. Everybody wants to know your intentions. You represent us. If you're here to represent us, represent us. Remember, your chicano too. Don't put it down on us. We had too many of them before. Show your pride. Doesn't matter who you're up there talking with, who you're talking for, who you're working with. We were down for us, you need to be down for us. You need to show your colores, true colores, and that's us. Take care of your business. That's all I got to say. Thank you.

[Applause] next speaker is paul hernandez. I believe somebody indicated that -- all right, suzanna almanza. Welcome. You have three minutes.

>> Good afternoon, mayor and city council members. My name is suzanna almanza and I'm codirector podega. I think this is something we opted out of the vmu -- we think this should go case by case because then it gives the community the decision and the leverage to work with the individual developer instead of now including them in and not having that particular dialogue. But I can personally tell you that the cesar chavez planning area has been one of the worst things that ever happened to east austin. Through the cesar chavez plan, which is the gate holders to east austin, to the community, we have now, because of the zoning that took place, that we had a valid petition that was over ridden not by this particular council -- we now have condos that we've never had before. We have lots that we've never had before, lofts we've never had before, townhouses we never had before, and just looking at all the different things, we've seen a 400% increase in land value due to what happened in the cesar chavez plan. We as a community knew what was coming our way when we fought it. We knew that by changing the zoning and doing a mass blanket zoning to the cesar chavez area, that one day no one would live there, and we knew that the renters would be the first to go, and they were, because it's a lot more money commercializing the single-family properties. We already had a mixed use development, if you went parcel by parcel there, stores, barber shops, homes. We had it all. But what happened is when the city forced its zoning on the community, and some people who were eager to get the pat on the back or had their own personal self-interest and was not looking at the vision of what would come in the community, we now see the McMANSIONS, THE CONDO, THE Lofts, and the 400% increase in property taxes. And all you have to do is go by there and see what's happening to that community. You can see what happened to the impact on sanchez elementary, they now have to go across the river to bring the students there because the people moving in don't have families. And the people -- that was the area that had the lowest rental properties, and now they're renting for 1500, when we had them at 350 to 650. So those families are gone, so we have seen the impact of what the cesar chavez neighborhood plan has done to our community, and we can't see how it improved the living conditions of those people who had been for generations. We can't see how the people's property tax has been stable or they're able to sustain themselves there. That hasn't shown through the property taxes. So we

ask you not to approve this vmu zoning. Thank you.

[Applause] thank you, ms. almanza. And once again, paul hernandez. Not here. Marco de leon.

[Applause]

>> for the record, marco de leon. I'm president of east --

>> I thought it was that but it's misspelled on my sign-up sheet.

>> Okay. Mayor, council members, city manager. I'm here to join my neighbors on something we saw several years ago when the small growth plan came about and the metrics that applied to that, and we saw how they overlay zoning occurred in our community, and through the use of cesar chavez plan we saw the devastation it did to our community, how our community became dysfunctional and many of our local residents are gone. Some of you-all have business and residents are still there. Some of you-all have seen and heard their pleas to what's happened to their community. Remember the history of austin, many of our elders who live there now were forced to go there because of 1928 gentrification process that started back in the 1920s and '30s. Now it's there again. Any type of zoning that dramatically affects our community now must be discussed by the community. It can't just be an overlay and just lay it over and see what happens. There has to be a process now that we need to sit down and talk to the developer and talk about what's going to happen, because any type of -- any type of development heavily impacts further our community to where you want to get rid of people. People back in the '90s when president clinton -- they called it ethnic cleansing. Some people -- that's what they call it now. Where they used to be at. And I don't think the city council wants to be part of that or an illusion of that. I know I don't. So we cannot support this proposal, based on the principle of having the neighborhood the ability to discuss their future. My granddaughters future, my emy grandson's future, my granddaughter's future. I have six grandkids that live in the community with my daughter and my son. They want to stay there but they're priced out. The process we have to take now, council members, is having the audacity and the guts to say stop. Allow these people -- our people are supposed to have the least political power, the least money, clout, to sit down at the table with everybody else. I was asked in washington once at the urban league, what is it we wanted as people of color. And I said we just wanted respect, the respect to be sitting at the table. We don't want power. We want the respect of being able to sit at the table with everybody else and discuss our future of what's going to happen to us. People call it power. I call it respect. I call it respecting a human being regardless of who we are, the color of our skin, sexual orientation -- whatever, it's the fact that we're a human being. We need to have that respect. So respectfully we ask you on behalf -- I don't speak here by myself. A lot of people asked me to speak, is to not to vote for this zoning change. Thank you very much. thank you.

[Applause] next speaker is francis martinez. Francis -- francis is not here. Okay. And after francis is joe quintero.

[Applause]

>> good afternoon, council members. My name is jose quintero. I'm with the greater east austin neighborhood association, and basically I've come here to express my concerns and to let you know, I'm telling you to vote no. I'm tired of asking and we're tired of asking these things. I've done this long enough. We've been at the planning commission for many years, and councilman spelman was there, and one of the reasons I think, if I'm correct, councilman spelman said we're tired it's being so late, we're going to zoning. Am I correct or not? At one of the candidate forums, or at the city council, because we used to 00 in the morning fighting zoning -- fighting zoning that we disapprove because of the neighborhood plan. So councilman spelman, with respect, I hope you come back to help us. We've been in this environment for 70 years. In 1928 the -- this -- the negro district plan that was passed to displace african americans east of 35. Along came up the hispanics, so therefore these properties, this neighborhood was designated for us. Now we come in 1970, after 70 years, and we bring a name by the name of cesar chavez, and you disrespect this person, immigrants. Environmental injustice, what these people were talking about was being sprayed while they were picking the vegetables in california. It had nothing to do with land. But yet the city of austin has this plan. It's not the contact team. These people the contact team moved in, but just the city of austin opened the gates, the doors. And guess what? We spent a lot of time, cleaning up our neighborhood, doing it. You stated, councilman spelman about crime in the community. We spent that. They had the element under mayor lee cook, who is probably one of the last mayors that paid attention to us, but nobody has ever since. After a decade of environmental taking over this agenda, we're suffering now. So therefore the message is to stop. I'm asking you and you can do it, because we need to readdress this thing. My mother cannot get homeowners insurance. Can you go, mayor, and explain to my mom, why can't she get homeowners insurance like a lot of property owners? Because the old are old homes, and now the property is so high they cannot get homeowners insurance. The majority of them. So think about those things. Thank you, council.

[Applause] thank you. That's all the speakers that I have signed up for and against. guernsey, do you have rebuttal? -- Excuse me, mr. adams.

>> Mayor, I could just provide a little background on the overall process, if you'd like, or I can just be available for questions. The vmu process was included in the adoption of the design standards, which is known as subchapter e of the land development code. Within that process -- or within the adoption of that, vmu was established as a neighborhood-based process where we identified either existing neighborhood planning areas or where those weren't already defined we established those based on geographic boundaries. Within those different neighborhood planning areas, either the neighborhood planning contact teams, where they existed, or the neighborhood associations were responsible for developing the recommendations regarding vmu. And so that is the process that we've been following over the last couple of years as we implemented vmu throughout the city, and that is the process that we've carried forward on this case. So I hope that gives you a little bit of background on it. I'd be glad to answer any questions that you have. Questions? Council member riley and then council member shade.

>> George, could you just elaborate on the process with respect to this particular neighborhood,

how these particular recommendations came to be before us today?

>> It's my understanding in the case of the ecc neighborhood, there was a contact team, our neighborhood planning team, and so under the way that the code is structured, they would be responsible for developing the recommendations, and those could be, yes, we think vmu is appropriate in these locations or, no, we don't, and in this case they came forward with the seven tracts that are identified today. It's my understanding that they were supportive of that on those tracts. Toward the end of this process there was the issue of adding a portion of tract 103 -- adding a new portion to tract 103 that we discussed earlier. The property owner kind of made the case to the planning team. They were in agreement. We took that to the planning commission and then brought it forward as part of this overall case.

>> Okay. So the recommendations on the table are -- came originally from the neighborhood planning contact team? That's correct.

>> Thanks. council member shade? is there anybody here from that team?

>> I believe there are representatives. and do they have anything to add to the discussion? No? Okay. they are signed up to answer questions. if we have questions. I thought -- okay. I see. All right. So this -- I guess I'm unclear about the addition of one tract, and then there's -- everything has been approved that we're looking at fixing an oversight of one of the tracts?

>> I'm sorry, could you repeat your question?

>> I'm not clear what the confusion is on the one tract that wasn't part of --

>> well, tract 103, my understanding is they identified a portion of the current tract 103 as being proposed for vmu. The -- there was common ownership between that and a lot next door. When the property owner found out that a portion of their property was getting vmu but the other portion was not, they made the request that the other portion be added to it --

>> shade: I see.

>> -- And that's when we went back to the neighborhood planning team and said, do you support this? My understanding they agreed and we brought it forward. looks like you might have had something to add to that. Do you want to come up and answer that, one of you? Thank you. you're not allowed to speak from the gallery out there. That's out of order, so please let the speakers from the podium speak.

>> At the time the city was doing the whole -- my name is lorri servnak teria. I at the time served as the secretary for the planning team. You should know that we have been meeting every wednesday in a public place for ten years, and these folks have chosen not to participate with our planning team. But in 2007 we were -- that's when the application for vmu came out. As the newsletter editor i can verify -- I forgot to bring the file -- we put out lists, we held community meetings. It was posted on our agenda

over and over and over. We were delayed, and the reason you're seeing this so late is because the pod saltillo sap had to be completed before the staff would deal with our application for opting in other properties. We opted in those properties that we felt had a current use that negatively impacts the residents nearby. We -- those properties are already zoned cs-mu. What vmu brought us was an opportunity to give an incentive should they get rid of the pawnshop or get rid of the car lots, to provide housing, because vmu, that's what it's all about, providing some housing. So we thought that that was our opportunity. There was also mention made of an email about the push-up foundation. We do think the operations under the current management is a negative impact in our neighborhood. However, during our discussions about opting that property in, we said, look, we've made a commitment to provide transitional housing for special needs populations. That property is 100% affordable housing right now. We don't want to incentiveize that property to change its use from 100% affordable housing, people earning 30% and below mfi, and give them an incentive to get rid of those poor people. So that's what I can explain as the former co-secretary of the group. He's the current chair.

[00:06:19]

>> And the people that made that plan, we -- we meet at the library now presently and we've been meeting there for the last almost four and we every d wednesday. We have -- we're trying to inform everyone that there are meetings. We go personally house to house, delivering the newsletter, with all the information of what's going to happen the next -- our next meeting. I mean, I can't force people to attend our meetings. I know that there are some people in the crowd that said thou they've never been invited, which is not true. They know our meetings. I mean, they know it better than we. I mean, about the meetings. They just refused to attend, you know, and for them to be calling, saying discrimination. I've lived there all my life. I lived at 1511 haskell for 13 years. I owned the property. Our past chairman was joe martinez, he lived there on waller street. We have another -- cesar valdez she lives on 3rd street and she's a real estate agent. Maybe they don't like these people because they are professional people, but we have always asked that we need to bring in businesses that are going to help that neighborhood, you know, and I have a cousin that lives on 50th street there on the little triangle and her land value is valued at \$300,000. Now, it's not happening in just east austin. I mean, it's not happening because of our plan. It's happening all over austin, all down central austin, the land value has gone up in property value. So to have them come and blame it -- there govalle and holly power plant, they refused to say that but thought lots by govalle, their land value is taxed at \$169,000. It's higher than our land value. I mean, there is nothing that we can do about that, you know, except for protest, get our congressman -- our legislators involved and see if they can give us some tax relief. But, you know, we have worked hard for our plan. We've been open. We have never turned anyone down. Jose quintero went to our meetings a couple of times, so he knows how our process works.

>> Thank you.

>> Is there any other questions?

>> Thank you. I have a question for staff. So first question is, all of these properties that are being

rezoned are currently zoned cs? I thought I heard that in the testimony.

[00:09:06]

>> Let's see. One of them -- one of them is zoned gr-mu. The rest of them are -- there's no residential properties being zoned?

>> No. are all the properties along here zoned vmu or -- and these are just missing spots or --

>> these would be the -- the seven tracts that are identified on the map would be the only ones that would be zoned for -- the only ones, out of approximately how many?

>> Out of the -- I mean, the remainder of the planning area, most of -- or a large proportion of east fifth - east sixth, fifth and portions of east fourth are all zoned commercial. A large portion of east cesar chavez street is zoned cs-mu. So these would be the seven tracts out of all of those that would have the vmu zoning. all on cesar chavez.

>> Right. and on cesar chavez are these the only ones that would have vmu?

>> That's correct. There's a total in the seven 4 acres of property.

>> Mayor leffingwell: okay. Thank you.

>> Mayor pro tem moves approval on first reading only. or all three?

>> [Inaudible] move to close the public hearing and approve on all three readings. Is there a second?

>> Second. council member riley seconds. Any further discussion? Council member shade? I'm going to vote for this, but I just want to make a comment to those people that spoke earlier that, you know, pretty much every thursday that we're here we manage to upset half the room and I have the feeling tonight will be no exception, but it has nothing to do with respect. I think that I can speak for most of my colleagues, probably all of my colleagues, that we definitely respect what you're saying. I agree that these are issues that are very -- you know, that are affecting all areas of the city, and on this one I'm going to support the vmu on these commercial properties, but i do thank you for being here and I don't want you to think you weren't heard.

>> No, you're out of order, sir. Let me say that, speaking for myself, I think I'm well-known not to be a slave of vmu, and -- however, if any of these properties were currently zoned residential I would not be supporting this motion, but they're not. They're all commercial properties, gr or mostly cs. And again, it's not a blanket approval of vmu up and down a major arterial street or core transit corridor. Just because that's it. So because it is selective, and it is the neighborhood planning contact team has studied this very carefully and has a desire to change the uses from something that is less desirable to perhaps

something more desirable, for that reason I will support the motion. All in favor say aye.

[00:12:35]

>> Aye.

>> Mayor leffingwell: aye. Any opposed?

>> I've got a comment. would you like to make a comment, council member?

>> I just simply wanted to say that we have all seen major changes in this area and that we recognize that it is difficult when you see major changes in an area to actually decide what the zoning should be. So I appreciate the efforts that the neighborhood contact team has made to come down and give us guidance. and your vote was aye?

>> Cole: aye. the vote is 7-0, and so the motion passes. And I believe that guernsey, is that all of our zoning cases except for 56? no, we actually have another one, item no. 61. you're correct, go ahead with that presentation.

>> It's case c14-2009-0063, for the property -- property located at 8222 -- excuse me, 822 and 824 patton avenue. This is a zoning change request from existing multifamily zoning to cs-1 district zoning which stands for the commercial liquor sales district zoning. The planning commission's recommendation was to approve the cs-1-co district zoning but to prohibit cocktail lounge, which is a bar. So they would be allowed to open a liquor store but not a bar on the property. And also limit the number of trips to 2,000 trips per day. In your backup material you do have a petition of people in support. We did have a lot of individual comments made from people in support. The president of the top -- neighborhood did indicate opposition to the cs-1 zoning request and staff actually had an alternate recommendation of community commercial or gr-co and our concern dealt with some existing residences that are in the immediate area of this property. The property itself is very small. It's only about 14,700 square feet in size. The land uses in the area to north are zoned single-family and single-family residences. To the east there are some duplexes and single-family residences zoned sf-2. To the west is cs-co and p public and ip, which is an industrial district and a city of austin pump station and equipment rental facility. This is an area that's adjacent to the airport, residential uses are not encouraged in this general area. It's in a portion of the old bastrop highway. And I think at that I'll pause at this time. If you have any questions, I'll be happy to address them at this time. any questions of staff?

[00:15:44]

>> Yes, mayor. I wanted to ask what the co was, the recommended co. the co by the commission and staff both recommend a trip limitation of 2,000 but the commission added an prohibition for adding a cocktail lounge because with a cs-1 application they could come back and ask for conditional use permit which is a site plan approved by the commission, and that could allow a bar on their property, and the commission, by taking this action, is actually saying no to a bar but yes to a liquor store. So they could

only take alcohol -- buy it and take it off premises for consumption.

>> And has the applicant indicated any future plans for whether or not they would like to have a liquor store or a -- well, the applicant is agreeable to the zoning and platting commission's recommendation so I believe that they would be putting a package liquor store on the property.

>> And if they have that do they have to come back for a use permit?

>> No, that would be a permitted use, and so long as they followed all the applicable codes for parking and for the remaining development on that property, they would not need to come back. They would need to get an alcoholic beverage license but I'm not aware of any churches or schools or day cares or any of those types of uses that would trigger alcoholic beverage waiver, not unlike you might have -- 00 tonight, you have one of those.

>> Has the applicant committed to any other limitations of permitted uses under cs-1? I'm not aware of any additional conditions that they would limit themselves to. They can come forward and probably speak to those, if they made some private agreements with the adjacent property owners. As I mentioned, there were several individual property owners on some of these streets that did voice their support in the form of a petition in support, not against. That's in your backup.

>> Okay. Thank you, mayor. council member morrison? guernsey, can you clarify for me the whole status of the airport mitigation land and how that overlays this street? well, this area is in an area where there are housing units that are being acquired and cleared. I think most of that might be a little bit further to the east that you see a lot of those that have been already acquired and purchased. But this property is in an area where single-family homes or residences in general are not encouraged. See if I can give you a little bit of detail on that. It's in what's called the ao 3 zone, and it is limited in our ordinance that the property is located in the airport overlay ao 3 zone, development of property is limited by 2513 of the austin city code. Airport hazards are defined in the aviation sections of the federal regulations adapted by the city code are prohibited. Noise limit limitations are required for certain new structures on the property, so they actually have to have some noise enhancements for glass design and roofing design in order to build here. Further to the east when you actually get closer to the northern end of the runways, that is the area that we are acquiring -- or our airport -- in conjunction with the faa is acquiring property and actually removing houses. I think they -- some of the structures, they actually had the option of either soundproofing them or having them purchased for buyout. and on this street we have bought some of them out already?

[00:19:42]

>> I'm not sure if we've bought -- this particular property. As you go further north of this property and patton lane and further down the street there's jet lane, you start getting into an area where the ground is very flat. The floodplain is extremely wide, and so the reason why when you look at the zoning map and you go further to the north on jet lane, which is a very narrow street, and patton avenue, as you go further back a lot of that area isn't in the floodplain. And so that's an area where it's difficult to construct -

- it's in the floodplain. And in addition the street ends on patton lane. It doesn't go all the way back. And so someone would need to come in and -- that would need to come in and develop this area would have to build and construct all the streets, extend, probably, the water, wastewater line infrastructure in this area. There is a house at the very end of jet lane -- there was a house at the very end of jet lane at one time that we actually had in the city, the owner asked to be disannexed because of the lack of a lot of the city services, and persuaded council that they should be disannexed and they were. in the long-term, we don't have a plan to acquire the residential property on patton lane? I'm not aware at this moment that we're going and buying the houses here. I know we are to the east of this, that are just north -- or closer to the end of the northern portion of the runway.

>> Morrison: thank you. there are no citizens signed up to speak, so -- did you want to speak, ms. almanza? Did you sign up?

>> No, but I [inaudible]

>> mayor leffingwell: okay. You can go ahead and speak. You have three minutes and we can sign you up.

>> Mayor, y suzanna almanza and I live in the montopolis area, but I just want to state first of all that the montopolis planning contact team is being put together. We'll be having elections august the 13th, but there's been a big discussion about this particular area, because at one time this particular area was all part of montopolis, but when the montopolis area was put together, patton and that side, all that area, is left alone, so there's no one really representing that particular area or informing the people that live in that area about what's coming down. I'm sure that people within 300 feet got the notice, but we know a lot of the people who live there on patton. There are homes, there are residents, regardless if they're in the flood zone or whatever. We work with those particular communities to put the sidewalk along 183 that never existed along that area. They used to walk up and down the highway, and there was a patton neighborhood association, and that's one of the things I just want to say, that we're struggling with with the montopolis plan area, is trying to see how can we incorporate those people into our plan and there's not really a process to extend our boundaries, because they're kind of just left alone out there. And I think that -- just wanted to put that on the record, that we really need to work through the contact team and montopolis of how we can incorporate those people in some kind of plan. Thank you. so do you have a position for or against the zoning request?

[00:23:13]

>> Well, I would definitely be against that -- the zoning request of cs-1. thank you, ms. almanza.

>> Thank you. mayor pro tem. mayor, I know it's ready for all three readings but I think we still need to do a little more discussing on this. So what I'll do, for first reading only, is make a recommendation -- or make a motion to approve the staff recommendation of gr-co on first reading only, and keep the public hearing open. motion by mayor pro tem to approve the staff recommendation on first reading only with the public hearing remaining open. Second by council member shade. Is there any discussion? All in

favor say aye.

>> Aye.

>> Mayor leffingwell: aye. Any nays? That passes on a vote of 7-0. thank you, mayor. Our next item would have 56, I know we have a great number of speakers and there's only about eight minutes to proclamations. I understand earlier today that there was a desire to combine all the water treatment plant items, so i would suggest -- oh, I'm sorry. your time is up, mr. guernsey.

[Laughter] I would suggest that we just delay this until such time that council would like to -- well, let me use this couple of minutes. We're not going to take up any of the items, because we would like to take them up, 36, 46 and 56, but I will -- let ne just talk about a plan of action since we got a couple of minutes and we're not going to hear any of these cases until after the break, but I would suggest that we hear -- when we take up these four, whenever that is, that we hear item 36 first and take action on that, and then we could hear the three remaining cases together, 5, 6 and 56, the zoning case. However -- is there a spokesman for the proponents and opponents on these cases? Because what I would suggest is that we limit debate to 30, 45 minutes a side, whatever we can get agreement on on these three cases. And I need to have some indication of agreement before we can proceed on that assumption. If we can't, then we need to plan something else.

[00:26:16]

>> Mayor? mayor pro tem? also just want to remind everyone and us as a council to remember that we still have a public hearing on the proposed budget and there is 111 minutes of testimony signed up as of right now for that item as well. point well-taken, and that adds to the equation too. But there is no spokesman for any of these groups in the -- okay. Mr. bury.

>> I'm this year's president of the austin chamber and i will do anything to make this easy on you-all. So if that works -- you're speaking on the pro side and you're agreeable to a time limitation of all of those?

>> Yes, sir. Thank you. on the anti side is there a spokesman for that group?

>> [Inaudible] so you can't --

>> [inaudible]

>> mayor leffingwell: okay.

>> [Inaudible]

>> mayor leffingwell: okay. So then what we'll probably do is we'll take up items 5 and 6 together, and we will limit that to 30 minutes per side. And after that we'll take up the zoning case, item no. 56. So that's my suggested plan of action, with the concurrence of the council. If in the in the meantime you

can come to some agreement incorporate the zoning case 56 into -- consider all three items at the same time, and it doesn't have to be 30 minutes. It could be -- it could be more, you can let me know after the break and we'll make that decision. So with that being said, i believe it's time for our 30 music and proclamations, and so the council is in recess at this time. Rile rile c msm@r cm tats r blapg cm@r

[00:34:06]

>> mayor leffingwell: okay. Folks, we'e, so if you have conversations please take them outside. And tonight we have a band called the fire ants. They're a leading group in the growing under 21 music scene. The fire ants sound is a combination of folk, a mayor americana and bluegrass. That's very interesting. All still in high school. The members of the fire ants shared the stage this year with bob schneider and al alej he is escovada at the american muse wards making them -- d -- they're title album features four songs. The band recently participated in kids band week at austin-bergstrom and will be performing at the historic green hall this saturday, august 8. Gruene hall saturday, august 8. That sounds like grown-up to me. Let's hear it from you.

[Music playing] americana americana amli

[00:38:23]

[music playing]

[applause]

>> mayor leffingwell: great. It sounds like a trip down to new braunfels to hear some more of that. Great sound. Thank you. And I have a very short proclamation for you. Be it known that whereas the city of austin, texas is blessed with many creative musicians whose talent extends to virtually every musical genre, and whereas our music scene thrives because austin audiences support good music produced by legends and our local favorites and newcomers alike, and whereas we're pleased to showcase and support our local artists. Now, therefore, i, lee leffingwell, mayor of the live music capital of the world, do hereby proclaim august 6 as fire ants day in austin, texas. Congratulations.

(Cheering and applause) green green[cheering and applause] we have two awards tonight. They're called the patriot wards to be presented both to the austin police department and individually chief acevedo, chief of the austin police department. These awards will be presented by colonel duane -- dwain james, excuse me, from the employers in support of the guard and reserve, which is a national organization supported by the department of defense. As you may also know, the city of austin has previously received several awards from the department of defense for through the sgr for its treatment of our employees who are members of the guard and reserve. Most notably last september the city received the freedom award, which is the highest award that can be given to a non-military entity, and we're deeply appreciative of that. We have the glass eagle upstairs in our showcase and I invite the people to go up and take a look at that. Austin police department has about 450 of its approxim 1600 member sworn force are veterans. A gum of those are currently in the guard and reserve, and I think it's

about 30-something that are currently deployed overseas. Chief acevedo and the austin police department has given exemplary support to these employees and their families, and I want to invite colonel james up to make the official presentations.

[00:42:38]

>> Thank you, mayor. It's my honor today to be here representing both the department of defense and the employers support of the guard and reserve, and the basis is to recognize both chief acevedo and the department for the outstanding support that they continue to give their officers and staff who are serving in the military, both past and present. The first award is the above and beyond, and this is for chief acevedo.

[Applause] I want to comment on how these awards are determined, and they start with a a nomination of patriot awards by a member of the organization who's serving in the military, and what that says is that the individuals who work in the department recognize how important it is that their bosses look after them while they're on their military duties, both at home or abroad, and how important it is that they look after their families as well. And there have been a number of patriot awards presented to supervisors and sergeants within the department by those individuals who were deployed because of the things that those individuals or leaders did for them and their families in their absence. And this came about because of several things, but one was the chief's recognition of how the intermutual support is essential for that deployed individual, as his employer and their families and the military work together to ensure that the soldier, or the marine, whoever they may be, while overseas is free of worry about their job or the day-to-day troubles at home that bother their family from time to time, so they can focus on their military mission and remain safe and return back from harm's way as a whole and ready to go to work person. And the soldiers and service members, they really appreciate that, plus the fact that the supervisors comrades in the department stay in contact with them while they're gone, finding out what's happening abroad as well as keeping them up-to-date on what's happening in the department. And the chief also implemented a special internal reintegration program and wellness center to help returning service members to go through the necessary training and other activities to prepare them to return to their jobs of protecting the citizens and the public in the austin area. Because of this leadership and because of the dedication that his subordinate commanders and their other supervisors have displayed, it's created such an atmosphere within the department that those soldiers who are coming up for deployment know that their needs will be taken care of. And for that I also want to present a patriotic employer award to austin police department, because it symbolizes the culture and the environment and the care and concern that all of the leaders within the department share with their individuals and taking care of them when they're away.

[00:45:52]

[Applause] mayor, you can be proud of your austin police department. They are a model for other law enforcement agencies as well as other city departments throughout the country, and having attended some recent meetings of other municipalities, your reputation is growing fast and far and wide.

[Applause]

>> on behalf of all the men and women of the austin police department I want to thank you, and I accept this on their behalf and their families, because the city of austin talks a lot about our employees are family. We could not do this without the support of the mayor and the county and with the support of the city manager. So the 30 folks that we have are a volunteer cadre to keep eyes and ears on the families here on the ground. I want to thank them for all they do than and their caring. And behind us we have several veterans of the military. But, you know, we talk about family in a lot of organizations, but in the austin police department and the city of austin it truly is not just hollow words. We mean it. And so thank you for the opportunity to serve our people, and we'd like to take a photo, mayor. And colonel and allen, thank you for your excellence. You're the ombudsman, if i said it right, english is my second language, but you did a great job of keeping us on our toes, so thank you very much.

[Applause] i should have noted this earlier, but I have to tell you, this is not apd's first patriot award for this service, so this is not a fluke. This is what they do every day. Thanks.

[Applause] the second award is very appropriate, as we all know, we're about to begin another school year. I don't know exactly what day it begins here, but i know it's coming up real soon, because it's august and it's getting hot. So part of -- part of the -- part of the success that a student would have in school obviously depends on vision and their need for glasses, whether they need glasses or not. So this is what this proclamation is about. It's about the -- helping students learn through making sure that they can see better. So I'll read it. be it known that whereas children are preparing for the start of another school year, but many, up to 25%, will begin their studies with undiagnosed and untreated vision problems, and whereas traditional eye exams will not help children who have trouble with skipping or rereading lines, who have poor reading comprehension, who take longer than their siblings to do homework, who reverse letters when reading or writing or who have a short attention span when reading or doing homework, and whereas developmental optometrists can test for vision problems that may be interfering with the child's ability to learn, families are encouraged to see that their children's eyes and visual skills are checked so that they can learn and achieve their full potential in school. Now therefore, I lee leffingwell, mayor of the city of austin, texas, do hereby proclaim august 2009 as vision is for learning month. So congratulations.

[00:51:46]

[Applause]

>> thank you, mr. mayor. I am mark wilson and am very pleased to accept this proclamation, which focuses attention on child vision issues. Our family has experienced the tremendous benefits of early detection of vision problems in one of our children, when rather fortuitously we discovered on that our son tom here had a vision problem that caused him to squint continually with his left eye, only turn his bicycle in the right direction and more seriously start to fall behind in reading when he was in first grade at school. The type of problem that thomas has would not be detected by standard vision screening done in school, which primarily looks at distance vision. And so we were very fortunate that thomas was

diagnosed, and after he was diagnosed and went through about nine months of rather intensive visual therapy emily schottman over here, he is able to -- or he's reading well above grade level. He's able to turn his bicycle into more interesting patterns.

[Laughter] and we can see both of his eyes in family photos. We were lucky. There are lots of students out there who do not have their vision problems detected, which leads to potentially years of underperformance in academic and other areas of their lives. So we would urge all parents to have their children's vision professionally screened beginning at an early age and regularly. On a personal note, our family is indebted to emily schottman and her staff at stars in your eyes, who diagnosed thomas's problem and got it fixed, and we also really appreciate the role she plays as an educator and advocate for vision issues in our community, including doing things such as fostering this proclamation. So thank you very much.

[Applause]

[00:54:32]

>> mayor leffingwell: okay. For those of you who don't know, amli is an organization that operates a number of apartment buildings in downtown austin. They're a very important part of the scene here in downtown austin. In fact, just across the street is a large amli facility, where I am our city manager, marc ott lived until just a couple months ago, so he must have enjoyed it because he stayed there for kind of a long time. But that's another story.

[Laughter] I want to read this certificate of appreciation. For over ten years of participation in austin energy's multifamily energy efficiency initiatives, amli is deserving of public acclaim and recognition. Amli was the first mixed-use customer to tie into austin energy's child water program. Additionally, they have participated in the multifamily cycle saver program which cycles off water heater usage during peak times of the day. They also participate in the power partner thermostat program. Amli has more than 2,100 residential units and 54 retail and restaurant units in their austin portfolio, so their support has a very significant impact on austin's energy conservation program. This certificate is issued in appreciation of their efforts the 6th day of august in the year 2009 by the city council of austin, texas, signed by me, lee leffingwell, mayor of austin, texas. Easy for you to say.

[Laughter] all right.

[Applause]

>> it's so nice to be a part of a community that is a leader in green initiatives, and we're just happy to be a part of this process. We look forward to new developments and making wise, thoughtful decisions. Thank you. thank you.

[Applause]

>> I'll just add, I'm carl with austin energy and I'll break it down very simply. Everyone at austin energy is extremely proud to be the utility for the city of austin. We have a world-class clean energy program, leader in energy efficiency, and we couldn't do any of it if we didn't have proactive, thoughtful, responsible, courageous customers like the folks at amli. For over ten years we've been working with them on initiatives like this, and the results are for the good of all of us. So we're really proud to be here and share this moment with amli. Thank you.

[00:57:24]

[Applause] next i have a proclamation to read that's in honor of our historic protection groups here in austin, texas. Just a few days -- I believe it was earlier this week -- we had a little ceremony out at the elizabeth nay museum honoring preserve america day out there. Austin has been designated by the federal government as a preserve america community community. A large part of that effort, and I'm sure the significant tipping point effort, was made by our congressman here, lloyd doggett, and he was on hand, it was last monday, to help us celebrate this great event. This designation is very important to the city of austin in enabling us to attract grant money to preserve our historic structures. So it's a great honor for me to present this proclamation today. Be it known that whereas designation as a preserve america community recognizes austin for promoting and celebrating our heritage, using our historic assets for economic development and community revitalization and encouraging people to experience our local historic resources, and whereas this designation is a white house initiative developed in cooperation with the advisory council on historic preservation and the united states departments of interior and commerce, and whereas this designation will improve austin's ability to protect and promote its historic resources, which include the he bbt nai museum, the george washington carver museum and the mexican cultural center. Now, therefore, I lee leffingwell, mayor of the city of austin, texas, do hereby proclaim austin as a preserve america community. Thank you very much. Congratulations.

[Applause]

>> my name is sue soy. I work for the austin public library and I wanted to thank you, mayor, and the whole city council, for your support of the preserve america community designation. Now that we have this designation for the city of austin, we all have bragging rights. We all get to use the preserve america logo and promote our city. We get to present this logo and our status on all the types of materials that attract economic growth and people to visit with us. Just think about this. We have the suzanna dickinson house coming open for us to enjoy at the same time representing the 1870s in the city of austin. At the same time that we have a new central library building scheduled to open in 2014 that will rep the historic and creative life that we're living now. So this is a very wonderful designation from the white house to our city and I want to thank all the agencies and all the people, steve sadowsky, our historic preservation officer, and janet siebert, who both helped with this designation, for all of us to enjoy. Thank you.

[Applause] may i introduce mayor pro tem mike martinez for another proclamation. go have a sandwich. villasenor, please come up, and charles. Come on up, please. I am privileged with presenting a proclamation to a business that's been in austin for 50 years, so I'm going to go ahead and read the

proclamation and then I'll introduce the villasenors and allow them to speak a little bit. The proclamation reads, be it known whereas in 1959 charles and lois villasenor established mission funeral home on east cesar chavez street with a commitment to providing concerned care to the austin community, and whereas today lois runs the business with the help of her son, charles ii, she was the first hispanic to serve on the funeral service commission, and was named business woman of the year in 2004 by the greater austin chamber and whereas we are pleased to congratulate the villasenor family and the staff members of the two mission funeral home locations in our city as they celebrate their golden anniversary of serving austinites with sensitivity and professionalism. Therefore i, lee leffingwell, mayor of the city of austin, texas, do hereby proclaim august 2009 as the anniversary of mission funeral home. I ask everyone to join in congratulating them.

[Applause]

>> hi, my name is charles villasenor ii, and I'd like to introduce my lovely mother, lois villasenor, who has been the heart and soul of mission funeral home. July 15, 1959, charles and lois villasenor, my late father, who passed away some years ago, created a business called mission funeral home. It addressed the needs of the hispanic community. We offered funeral services that were actually at the funeral home and could actually go to the church and then to the cemetery. It was a new thing for our hispanic community at that time in 1959. villasenor has not only served the community so many years, since 1974 she has run mission funeral home and los angeles funeral home as well as our other funerals homes, as well as mission funeral home which is on south 1st street. All of which wouldn't be possible unless she had a vision to help young men like myself when I was a young person and people like gilbert cavazos, who's been with us for 25 years, helped them see and realize the best in themselves. Through her -- through her guidance we have strived as a company, we have served thousands of families, we serve over 500 families a year, and that's quite an accomplishment for such a small little funeral home in east austin. So I thank my mother and my late father in his memory for all the things that they have been able to provide for many families and the sensitivity of neighbors as well as the competence of dedicated professionals. So I thank the city of austin. Thank you, mayor pro tem, and I thank all of you. Our love is with you and with this community. Thank you.

[Applause]

>> martinez: thank you all. Council will return in a 57600 elizabeth nay elizabeth nai he liz bet nay he list bet nai elisabet blank bullick hollow bullick hollow

>> .

>>. . . .

>> (Music).

>> If I can have your attention, council is out of recess. We'll begin with item number, without objection,

we will begin with item number 69.

>> There you go.

>> Thank you mayor and council. My name is greg guernsey with the planning and development counsel. Item is to conduct a public hearing and consider a request by david allison, owner of property located at 122 12223 ranch road 620 north, suite 105, for waiver from the distance requirement of the city code chapter 4 4-9-4 which requires a minimum of 300 feet between a business that sells alcohol beverages and a church. The restaurant has a desire to sell alcohol within 300 feet of a church. The church is located in an existing commercial retail center at 620 and lake creek parkway. The center was built in the '80s, has a two- two-story section to it and the church is located in the second floor of this retail center. The restaurant is located on the first floor just below and to the left of the church. The church, the north hills community church has given staff a letter voicing that they do not have an objection to the waiver being granted. We are not aware of any opposition. Yobbe you have any speakers signed up in opposition-- I don't believe you have speakers signed up in opposition. In accordance with the code the council has ability to waive and grant the request if it meets the certain criteria outlined in your backup material. With that I'll pause. If you have any questions, and staff recommends this request for granting the waiver.

>> Council, we have no citizens signed up to speak. nesler I'm not sure if the spelling is correct, signed up in favor but not wishing to speak. The floor is open to a motion, for a motion to approve. Mayor proprio tem moves to close and accept. Is there a second? Council member spellman spellman. Any discussion in all in favor say aye. Any anyway? That passes on unanimous vote.

>> Thank you mayor and council.

>> Mayor leffingwell: Without objection, counsel, we will go next to item number 68.

>> Thank you, mayor and council. The item I'll introduce our historic preservation officer to present this case. Thank you.

>> Good afternoon, mr. Mayor, members of council. I'm steve sedowski of the planning and development review department. It's my pleasure to present to you this evening the proposed historic preservation code amendments that were directed by council last year to look at our current code sections and propose some changes. I'd like to start off by saying in doing so, we looked at the provisions of many other cities throughout the country to determine what the best practices in historic preservation are. We looked at code sections from all the major cities in texas include is dallas, for the worth, houston, galveston, el paso, san antonio, and other cities known for preservation, such as a, and we think we have compiled enough information to give you best practices through throughout the country. The process we went through was that the operations committee of the historic landmark commission met on several occasions to go through the information and make recommendation recommendations. They presented those recommendations to the full landmark commission. Those were then presented to the codes and ordinances committee of the planning commission and then the

planning commissions made recommendations. These recommendations were also sent to the zoning and planning commission who formed a task force that met several times over the last couple of months to go over other recommendations, additional recommendations, and those are included in the presentation that I'm going to make to you now. I have divided these up for discussion in a way that the ordinance reads. And part of these code amendments came about through loopholes and holes in the code that we had noticed in implementation of our code sections and also from direct input from citizens and other agencies that we deal with including the Travis Central Appraisal District. The first proposed amendment is to clarify the code language for the appraisal district to apply the city cap on landmark tax exemptions. As you know, landmarks designate the after December 1st are entitled to a city tax exemption but the council decided to place a cap on the maximum amount of the exemption. The way the code section had read led the appraisal district to believe they should take \$2,000 off the top of the valuation and assessed taxes there when that was not the council intention at all. The council intention was to cap the exemption at the greater of \$2,000 or 50 percent of the city taxes. So we have attempted to clarify that language. And this was done in conjunction with the appraisal district and they are on board with this. We have also identified the entire tax parcel at the land associated with the historic landmark as that reasonably necessary for access and use of the structure unless otherwise determined by council. And that was also a hole that we found in the code that took this opportunity to fix. This reflects the recommendations of the landmark commission and the planning commission and then the zoning and planning commission had no additional changes. Second area that we discussed were local historic districts. And in reviewing the code sections from several other cities throughout the country we found that our code provision that required the support of the owners of 60 percent of the property within the proposed district was a little bit high. The industry standard, so to speak, appears to be around 51 percent. So the landmark commission and planning commission recommend a reduction down to 51 percent of the properties within the district would need to show their support, affirmative support. There was a council resolution last year regarding city owned property to be in support of local historic districts. And the landmark commission and planning commission looked at that section, decided it was fine, and then the zoning and planning commission suggested an alternative recommendation to if the city property has a historically significant structure, then all of it can count toward the support of the historic district. If the city property has no historically significant structures, it either does not count within the calculations for support, or it counts for no more than 20 percent toward the 51 percent required for support of the district. And I think in discussions since that time, if city property, whether it has a structure or not, if it was integral to the development of the historic district, such as Adams Park and Aldridge Park, or Stacy Heights, then at the discretion of the commission that land can be included within the historic district and counts for support. Oops. The zoning and planning commission also looked at our minimum size for a local historic district and right now the code says the minimum size should be one block face. The landmark commission and planning commission had no problem with that, did not suggest any changes. But the zoning and planning commission said that historic districts ought to be based upon the original area of the subdivision to the extent those boundaries are still intact, or an identifiable neighborhood within the original subdivision, and in no case should a historic district be less than five acres unless the landmark commission waives that requirement for unique circumstances. Our code had several of the application requirements for local historic districts but not all of them. And it was determined after discussions with our law

department that perhaps the best way of addressing this was to put it in an administrative rule so that if those rules do need to be changed, we don't have to go through a code amend amendment process, which is a very lengthy process. And the zoning and planning commission recommended that as well. On the historic landmark commission, currently if we have an owner opposed historic zoning case, it requires three quarters of the historic landmark commission members to vote in favor for recommending a property for historic zoning. This was also part of the council resolution to look at the voting requirements of the commission so the historic landmark commission and planning commission decided two-thirds of the members of the landmark commission are sufficient to recommend a historic zoning case if the owner objects. The landmark commission like every other commission in the city now, has seven members. Three quarters would be six votes, two-thirds would be five votes. The whole idea behind this, and this was originally a landmark commission suggestion, by the way, but the whole idea behind this was that cases coming forward with owner opposition ought to have a strong showing from the landmark commission that they feel that the property has historical significance. And we wanted to avoid situations where cases come forward to you on a simple majority where it could be a 4-3 vote come thing out of the landmark commission. So the landmark commission and planning commission felt that two-thirds, or five votes out of the seven, would be sufficient to show that the landmark commission felt strongly about it, and also it is sometimes difficult to get a full landmark commission panel together. So that six votes could be very difficult to get. That would mean unanimous, if one member is missing or is unable to vote for a conflict of interest, and many of our commission members have worked, their fields are architecture and historic preservation, so sometimes they do have conflicts of interest. And it's difficult to get six members or unanimous vote on october case. This would require especially called meetings which delay the process even further on contributing structures, in local his trek district, we have proposed several sections to the code that would add contribute be structure structures and local historic districts to the protection provisions relating to historic land marks. Right now you cannot get a building permit or certificate of appropriateness on a historic landmark, but there was a gap in the code that left contributing structures out of that. So that is what we are attempting to address here by adding contributing structures to the protection provisions. For administrative approvals, this is a section that gives my office more add administrative authority to approve certain minor projects in both local and national registered historic districts, including the construction of a two- two-story rear addition to a two-story house. Currently we have the authority to at administratively approve a one-story addition to a one-story house. So we felt that the construction of a two- two-story rear addition to a two-story house, which would not be visible from the street is something that we should be able to add administratively approve and allow that person to proceed with their project. This is an attempt to streamline our process. The planning commission and lad mark commission both agreed with this, as did the zoning and planning commission. For certificates of appropriate are theness this expand the requirement for a certificate for historic land marks and contributing structures in local historic districts to projects which may not require a building or demolition permit, including such things as replacement of windows, doors, roofing materials, shut shutters, exterior lighting. Windows are some of the most important aspects of a house. Really maintain the character of the house. Many architecturel historiens have described the windows as the eyes of the house. So incompatible replacement windows can really significantly affect the historic appearance of a house. Currently people don't need a building permit to replace windows. But if it is a historic landmark or a contribut contributing structure within a local his trek

district, then because these buildings have been identified as having historical significance, replacement windows, doors, roofing materials, et cetera, we are shooting for historical accuracy. And all three commissions that review reviewed this agreed. For national registered districts, we are proposing an additional provision that would require that the landmark commission review plans for site in a national register historic district before the release of the demolition permit for a contributing structure to the district. What this accomplishes is that an applicant can go through, get approval for a demolition permit, but that city will not release take permit until the landmark commission has reviewed the plans for new construction on the site. This is an attempt to try to maintain contributing structures within our national register districts to the greatest extent possible to avoid frivolous demolitions and to maintain the character of the historic districts as best we can. Referral of cases to the commission would expand the universe of properties for which my office can refer applications for demolitions relocation or building permits to the historic landmark commission. Right now the code sets out certain requirements. If a building is in a national register district. And it's subject to an application for demolition. We refer those to the landmark commission. If a building is listed in a survey, we refer those to the historic landmark commission. But there's no provision in the code right now that allows us to take a house, say out in terratown, which is not in a national register district, not included in any survey, and refer that to the commission for a review review. What the process generally is, when we receive an application for demolition or relocation, we did a preliminary review of the historical significance of that house. We present that to the landmark commission. And that is the basis for our referring this case to the commission. Seems to me that just because we haven't gotten around to surveying a certain area of town shouldn't mean that houses out there can't be reviewed for the historical significance. So this would allow us the authority to do that the landmark commission currently has 60 days from the time that they first put a case on their agenda to make a decision. We are proposing that that 60 days be increased to 75 days. And this is for the same reason that we want to be able to get cases through in a very streamlined and smooth manner and not have a lot of especially called meetings. If we have a situations where we have got to postpone a case for some reason, if there isn't enough people to vote on a certain case, or in the cases because our landmark commission only meets once a month and it's the fourth monday of every month, sometimes between certain months, say november and december in particular, we move our landmark commission meeting up a week on that we may have over 60 days that the landmark commission has it. And we would like to be able to have 75 days for the landmark commission to make those recommendations. Demolition by neglect sections of our proposed code amendments are based on demolition by neglect provisions from several other cities, most notably san antonio and dallas, which seem to have the best ones in the state. Right now our demolition by neglect statute only applies to historic landmarks and the main thing what we are doing here is expanding that to include contributing buildings in local and national register historic districts. Demolition by neglect is the willful act of a property owner to allow a property to decline to the point where it has to be demolished. And we want to be able to have a process in place to help prevent that and to help property owners repair and maintain their properties rather than subject them to condemnation. So demolition by neglect provisions set up a process where my staff meets with the property owner, we develop an agreement with that property owner to undergo repairs, to bring the house or building up to code and repair the problems on the house within a certain time period. We also have penalties for violations of demolition by neglect orders. And we would refer those cases to the building standards commission or

the city council. There is an out for low low-income property owners in this, in that if they cannot afford the repairs that would bring the house back up into compliance with the code, they can appeal that to the city council. So there is a way for people who can't afford it to an I appeal to council. And also to, in develop developing the agreements for repair of these houses, that is something that we're able to take into consideration. We have no set time deadlines. We will work with the property owners to give them sufficient time to make the repairs as necessary. The zoning and planning commission recommended this with the additional recommendation that for the penalties, that we reduce the prohibition on development of the site from three years down to two years. And the thinking behind this was to avoid vacant lots, especially in our historic districts. In fort worth the fen fenpenalty is to prohibit development for three years. If the person has two citations and has still failed to address problems with the property, and the build building has to be demolished, that person cannot develop on the site for three years, which is a provision we incorporated. The zoning and planning recommended we just go to two years. That concludes my presentation. I am available for any questions y'all might have.

>> Mayor leffingwell: Question of the staff. Council member schpel man.

>> Uncertainty among the staff as to exactly what the tax exemption procedures would be for contributing structures structures. I wonder if you could explain those to us.

>> Yes, sir. Right now the city offers a property tax exemption only for historic land marks. And that for an owner occupied landmark, that is equal to a hundred percent of the value of the structure, 50 percent of the land. For the city, the then a aids is half of that. For an income producing prompt, you take all those numbers and divide in half so it's 15 and 25 for the city, county and acc, and 25 and 12 and a half for contributing structures within local historic district we're following basic the model in houston and dallas where if a property owner invested a certain amount of money into rehabilitation of that house, and a certain percentage of that is spent on the exterior, then they are entitled or they would be eligible for a, if it's owner occupied, a seven seven-year property tax freeze. So basically, their tax taxes would be assessed on the preimprovement value of the house, and they would be exempted from the added value that the rehabilitation project would incur.

>> All right. How would you identify the extent to which the increasing assessed value was due to the rehabilitation?

>> That is going to have to come from the appraisal district and their the project once it's completed.

>> Has the appraisal district had a chance to take a look that the or any other aspect of this proposed ordinance ordinance?

>> Yes, that's been on the books several years now and we worked with the appraisal district in developing that.

>> Council member thank you, sir.

>> Anything else in we'll go ahead to our speakers then. First, I would just comment that we have 79 people signed up wishing to speak. That adds up to 150 minutes which in turn translates to two hours and 40 minutes. If you wish to add something new to your testimony, we of course welcome that. But aside from that, if you just want to repeat what other speakers have said, we encourage you to be very brief. First speaker is John Ames. And people donating time to you. Are you here? Michael McCain.

>> Mayor, just for five minutes for a quick presentation.

>> Let me read off the rest of these to mark them off the list then. Michael McCain. He left. Michelle Weber. Okay. Casey Gallagher okay, so you have up to 12 minutes. But five minutes would be plenty.

>> Thank you, Mayor. I am John Tenici, the former president of the Heritage Society of Austin. It's been a long road to get here. I want to thank you, Mayor, and Council member Morrison and Council member Shade for initiating this a good ways back. It's taken a while to get here but it's been a good process. In my time in working in the Senate I worked for a Senator who would often tell people you have the votes, so don't mess it up. Don't talk too long. I'm going to ask the folks here in support of this ordinance to either stand up or if you are standing, to wave. Wonderful. Thank you. Let me walk you through a real quick powerpoint here as we began our preservation program in 1974. A local historic district mechanism was included in that initial program but was not workable. Ran into some legal trouble and just kind of fell off the radar screen. Some neighborhoods took the initiative. Fairview Park being one one. To create a neighborhood combining conservation district in the absence of a local historic district mechanism. But in four after a task force was convened that had I had the pleasure of serving on, a local historic district mechanism was put forward. There were two versions of the ordinance. And in 2006, the ordinance that you have now, the current ordinance, was enacted. Soon thereafter the Heritage Society created a working group on our own that had folks from the core urban neighborhoods who were interested in pursuing a local historic district. Despite nearly a dozen, these dozen neighborhoods working on this, to date only one district has been adopted. Significant, the Heart Main Street district. But it's of minimal size and took several years to finalize. Council member Morrison I know we worked on that together, which was a pleasure to do. So four and a half years after adoption, the ordinance has not achieved its objective. The working group that we have has come up with some provisions that they think would be good to change. And that is what you see embodied in what you have before you. This is a little dated. We support the preservation changes supported by the Landmark Commission, the Planning Commission the Codes and Ordinance Ordinances Committee of the Planning Commission as well. And ZAP had an opportunity to look at this and blessed the general tenets of it as well. One of the most important parts is lowering the threshold from 60 to 51 percent, Sedowski said also, add adjusting the research requirements from code to administrative in terms of their placement. This needs to be stressed, that meeting these nomination criteria allows only for an application to be filed. It still must meet all standards, be reviewed by staff, Historic Landmark Commission, the appropriate Land Use Commission, be the ZAP PC, and this Council. So this ordinance change gives no authority, no discretion to anybody except you to hear applications that will work their way through the process. As Steve has brought up the current 60 percent threshold exceeds that of most or all of our peer cities and many of them actually have no petition percentage requirement at all. Dallas, El Paso, Denver for the worth, either says 50 or

none. You can see the other cities that pay 51. Portland is a bit of an outlier because of constitutional amendment done by initiative and referendum in Oregon. Why is this necessary? You know, we really don't have an effective educational component for preservation generally. Our preservation office I know it's lean budget times. I was here last time when you guys were working on the budget. It's underfunded and understaffed. We applaud Steve and Susan and the work they do and the others in the office. But it is underfunded. And there's an unusual burden that is placed on neighborhood volunteers to assemble the nomination. It's a little different for most other cities. Here is the funding of our preservation office compared to our peer cities. Why is it necessary? We're losing our historic fabric. The unique character of our built environment which is revered and is an important part of our economic development strategy. We're leaching money on the table in terms of federal tax credit for preservation as well as federal grants that are directed through the historic the commission for local governments, since we don't have a mechanism in place this gives you an idea of how most other cities play out with districts and landmarks. Keep in mind, Council member Spellman, you asked a very important question. Landmarks give an affirmative tax break. That is coming off of your budget. It impacts your coffers. Districts do not. District freeze going forward for a certain period, but it doesn't have the fiscal repercussion that you suffer from each of these individual landmarks. That is not to say that the benefit that is given to landmarks is not appropriate. It is. But here you see how cities that have robust district programs don't have the amount of individual landmarks in place. The benefits, we just talked about this in terms of fiscal responsibility. Which I think is very important right now. You will see the Texas Film Commission, people want to film in our urban core neighborhoods. I had the benefit of a commercial shot at my house. It was nice to have a little extra money that came from that. That is churning in our environment. Unlike a national register historic district, a local historic district is noted on a zoning map. So if someone is coming to a neighborhood and wants to purchase a property, they know. They can affirmatively see that there are some restrictions on the property the city designates and values its importance. The mechanism also allows for tailored neighborhood guidelines. We talked about this, the core value of preservation and sustainability. They are really linked. I want to say that we were sustainable before sustainable was cool. The local historic district restrictions can be permissive to allow and encourage other energy efficient mechanisms such as solar panel or metal roof roofs. This is preservation consistent with the city's efforts to encourage sustainability, energy efficiency and green building. Finally, historic preservation generates close to 140 million dollars in economic activity annually in the Austin area alone. A whole list of supporters, national, local, from the neighborhoods council, from the film commission, the national trust. I'm going to ask, there are eight people who are going to follow me and I'm going to ask them to speak for one minute each. So in the interest of trying to not keep you here too long. Thank you, and I'm happy to answer any questions you may have.

>> Mayor Leffingwell: Thank you, Mr. Denesi. Next speaker is Linda McNeillage, who has two people who have offered to donate time to her, Peebe Allen and Jose Spesiano. Theoretically, you have up to nine minutes.

>> Thank you, Mayor, and thank you, Council members. I'll try to be brief. We're delighted to have had Austin designated just this week a Preserve American City, enabling us to be eligible for federal funds for preservation activities. But since March of 2008 when Council established the first local historic district a street with only ten houses on it, no other LHD has been established despite dedicated effort by people

working diligently for all of that time on their applications. The preserve americas cities designation makes it very important for to us have a number of lhds in place before the national trust for preservation conference will meet here in october of 2010. It's an honor for our city to have been chosen. This conference will bring people with the highest level of expertise and experience in preservation from all over america to our city. And they will bring money with them as well as their expertise. We need to adopt the landmark commission ordinance change recommendations in order to bring austin not only in line with our peer cities in terms of preservation, but to take a position of leadership, going forward, in the preservation movement. Thank you very much.

>> Mayor leffingwell: Thank you. Next is beverly brooks, with janet giles. You have up to three minutes.

>> Thank you. Good evening mayor and council. My name is beverly brooks. I own the hopkins homestead located at 15 1500 west ninth street. It is an austin landmark home and was built in 1857. Austin's rich history is reflected in our housing stock and our landmarks. There should be no five acre minimum requirement for local historic district. Why should acreage size dictate, for that matter, have any correlation whatsoever, with the actual historical merit of the housing stock? It's the properties themselves that define the history to be preserved, not an arbitrary acreage size. Many austin's city marks and public areas already carry national historic designation. These properties are located in the middle of our neighborhoods. They are integral to the very fabric of the neighborhoods they are located in. It only makes sense that these properties be considered as contributing for local historic district. I urge the mayor and council to fully support the historic landmark commission recommendations tonight tonight. Let's move austin out of last place with regard to historical preservation, and move it to a position that more properly reflects and brates our very rich history and heritage. Thank you.

>> Mayor leffingwell: Thank you. Next is cory walton.

>> (Applause)

>> mayor leffingwell: After cory will be melanie martinez, if you want to work your way up, maybe, to this other side.

>> God evening, mayor, more pro tem, council members, I'm cory walton, president of the austin neighborhoods council. And I just wanted to, we're an umbrella body now consisting of 91 neighborhood associations citywide. And the neighborhoods council a may 27, i believe you may have the document before you you. I'm not sure. We were in transition. But we did vote unanimously at the generally meeting to support the heritage society's recommendations. This represents not just the central neighborhoods, but even the outlying neighborhoods recognizing the value of this ordinance. So we too urge your support for these changes. Thanks very much into thank you, cory. Next is melanie martinez with edward ta tash and claudette lo. Are both of you still here? Up to three minutes, melanie.

>> Thank you, I'm melanie martinez and here representing the fairview park travis heights historic district efforts. So grateful to all of you for listening to all of our experiences with this process and I'm glad that we have gotten at least this far. And I gist wanted to say that we totally support the

recommendations of the city preservation office and the heritage society and feel that lowering it to 51 percent is, really makes sense. It's not going to be a rubber stamp for historic districts. We still have so much work to do. My neighborhood started in 2005 on this process we have spent \$20,000, over 8,000 volunteer hours, and it can be two or three years before we get to the point of asking for sign on. There are so many details to the process. The biggest thing is going to be creating design standards. And everyone has chance to participate in that process. They will be looking all those before they can even sign on. So I just wanted to reiterate our support for that. And thank you for your time.

>> Thank you. Jex--next speaker is myle michael hollaren. With julianne reid, g-- g--others donating time time. Okay, you have up to 15 minutes. That is the maximum you are allowed.

>> I thank you, mr. Mayor. I will try not to do that to you. My name is michael hollaren. I direct the historic preservation program at the university of texas texas. In a previous life i chaired the land marks board in the city of boulder, colorado. Boulevard--boulder convened a task force the look at the relationship between sustainability and preservation. We brought in experts and in short, the not 15 minute verse, we found the two worked hand in hand. They are complementary. You cannot have one without the other. Where they appear to compete with one another, we found the best solutions are arrived at case by case based on a thorough understanding of the individual buildings and individual sites. So sustainability begins with preservation. Austin has an opportunity to lead here. Thank you.

>> Mayor leffingwell: hollaren hollaren. Kent onshuts? . n nesler and hunt foster foster. Any of those folks here here? Next speaker is jackie after jackie will be james powell. You're giving time. Are you hunt foster? Nesler. Okay. We don't have the primary speaker here, i don't think. Kent onshutz? So you have your time back if you want to speak, mr. nesler. To the next speaker, okay, jackie shrad has three minutes donated nesler if you need it. Where is jackie? Thank you, jackie. James powell. So far not wishing to speak. Lee gibbons? Gibbons? Don't see her here. Here? Okay. Did you want to speak? Okay. You have up to three minutes. Next will be lori widli widlich. You can come on down and get ready here. Thank you, lori. Then amy thompson will be next. Go ahead.

>> God evening, mayor and council members. Thank you for the opportunity to speak. I grew up in east austin. And I live in a house that is over a hundred years old. And I have often been concerned with the buildings that are being destroyed. A lot of them are old. I like old houses. I grew up in one. And I'm glad, I read in the paper, about the historical society's recommendation. For ten years or more, I have been trying to find out how to make things work for not only the house I grew up in, but for other people in east austin who are not aware of what they can do or even that the house can be saved if they should so desire. So I just came to say thank you. I read about it in the paper. It's been a passion of mine for over ten years because I do live in a house that is old. And I have talked to the historical society. So now that I have a little more information I will continue to do so. So I want to say thank you very much.

>> Thank you. Did I say your first name right?

>> (Applause)

>> oh, you did not. But that is okay.

>> Would you tell me what it is.

>> Yes, I will. It's lenora. Okay.

>> Okay, thank you very much. Sometimes the spelling gets messed up on these machines.

>> I don't write so well sometimes.

>> Okay. Lori weidlich and amy thompson next, excuse me. Amy, you are next. Lori is not here, evidently.

>> Thank you, mayor.

>> And you have kristin wick. So you have up to six minutes, amy.

>> Thank you. Good evening, mayor, council members. My name is amy thompson thompson. I'm here representing the chavez neighborhood planning team where I'm the chair of the historic preservation committee. I'm hearing to answer any questions you might have with my neighborhood pursuit of historic preservation and our current endeavor to conduct a local historic district survey but I'm also here tonight, and i apologize for this because nobody likes to be in this role, I'm here tonight as your jimny cricket. I pulled the short straw. So I will try to go through it quickly. But I just did want to touch base and make sure that we were all on the same page as to what the goal is here. If you visit any major city in texas today, san antonio, el paso, houston, dallas, even fort worth, you will find local historic district that make the city's history and culture easily accessible to new residents and tour tourists alike. You walk downtown or even in some of the out outskirts of san antonio and on every street corner there's an arrow pointing to the local historic district with information about the relevance to the history of the city. These districts benefit local property owners by preserving communities inhabited by long-term residents and stabilizing property values. They stabilize the city making it more interesting to residents and new visitors and preserving history for future generations. Austin adopted a local historic district ordinance presumably with these benefits in mind. The question tonight is why are we still missing out? Nibes interested in his trek districting in our city face numerous obstacles. My colleagues have shared with you some of these obstacles and how they would be alleviated by the proposed ordinances before you. As you consider the testimony of your neighbors from all over austin, I ask that you look at the obstacles before us and the ordinance as a whole through the lens of what historic preservation can do for our community. Because we are not going to solve all these issues here now, but we want to make sure we're heading towards the same investigation--vision. Geography, where you are from, and where you live now, play such a key role in an individual's identity. If you can't feel a connection to place, if you can't relate to it, then you can't be expected to feel responsible for it. I think this type of disconnect compels native austinians to leave town and meet new residents from integrating if you will and playing a more involved role in our community--fully and playing a more involved role in the community. People had need to understand the character and history of the place

where they live in order to understand and embrace their role in its continues identity. Preserving the character of our historic neighborhoods is crucial to enabling this. Personally, I have struggled at times to stay in my hometown, seeing so many things, places and areas that i have identified with so strongly being destroyed or disappear disappeared. And I have seen young people in my neighborhood who are involved in trying to preserve individual homes because we don't have a local historic district in place, feel disillusioned and dis disconnected when we lose those battles. But most of all, I pity the newcomers who are subjected to the now cl cliché refrain, you should have been here when, you should have seen this, leaving people to think the real austin is dead and they can't become a part of it. We need to move be beyoined the dynamic. The possibility of rest cying our history, the good bad and ugly, making et more accessible to everyone so we can better understand each other, ourselves, and move forward together as community, putting behind us the pain of what is lost and coming together with what we can still share. This is an exiting possibility. But we cannot get there unless we hold that vision in the forefront while we work to build an ordinance that will get us there. So, I'm asking that we, as we go over the details and compromise, we keep in mine the end goal. As for obstacles we won't get to tonight and aren't on the agenda, I think you will find that we are in an infinitely approachable group. We have bandied together through all these obstacles and we are at your disposal for any questions you may have. Thank you.

>> Mayor leffingwell: Thank you, amy.

>> (Applause)

>> mayor leffingwell: Next is terry meyers. And charlie betsafter terry.

>> Thank you, mayor, mayor pro tem, cities council members. My name is terry myers. I've been a preservation consultant for 25 years and now i serve on the austin historic landmark commission. I'm here as a private citizen today although I know I echo the feeling of the landmark commissioners in urging you to make the propos proposed changes to our ordinance to encourage more his trits district districts in austin. Before I moved here when I was just a little preservationist preservationist city staff for raleigh north carolina district commissions so I have direct little of how well historic districts can work and how they can had improve the quality of life for those living in them and for the city as a whole. One of the concerns that people have expressed in our quest to establish more district is whether preservation and conservation programs can coexisting. Years tetstells me that they can. They both aim to protect and enhance our precious and finite resources. Preservation is progress for both the cultural and natural please, I urge you to approve these changes. Thank you so much.

>> (Applause)

>> mayor leffingwell: Thank you. Charlie betz. Welcome.

>> Thank you, members of the council, I'm charlie betz and work for the downtown austin alliance, the downtown property owners organization, and we are very much in concurrence with the primary objective of this, these changes to make a little less onerous the requirement requirements to get local

historic district approved. I personally worked on committee about a year and a half, two years ago. So I'm personally very much aware of the issues. And I think this is a step in the right direction. I would want to say the downtown Austin Alliance, however, we do want to call your attention to three, which would seem somewhat minor, points in these changes that we think just kind of chip away at some personal property rights that may be unnecessary. Number one, lowering the threshold for historic landmark votes for historic zoning over the property owners' objections suggested by ordinance from three quarters to two-thirds. That goes from six of seven to five of seven. We think that is, makes life more difficult for that property owner, number one. And number two, I think we think it may result in more of those cases being kicked on up to the council. Number two, again, sometimes like a small thing, but we would respectfully object to the extension from 60 days to 75 days for the landmark commission to come to a conclusion. We think that is an unnecessary two-weeks delay. The third thing that we would request, a number of valid objective criteria are added, and we think they are basically fine. But there is also a little sentence in there that says it can be determined, it can be put on the agenda, simply determined by the historic preservation office to have potential as a designation as a historic landmark as we think that is a bit too open ended for one city staffer to simply be able to -- system plea be able to -- system plea be able to we think these were eased in to make these easier for the staff. I'm sympathetic but sometimes these small things come at expense of the property owner. Thank you very much.

>> Mayor Leffingwell: Thank you. That is all the speakers I have on my list signed up wishing to speak in favor. We'll go to those wishing to speak who are against, beginning with Trason Gardener. Is there Tracy?

>> Tracy.

>> I think when you type into the machine, sometimes maybe you get the wrong letter and it comes out different.

>> I'm actually thank you for helping us. I'm a 20-year owner and caretaker of a hundred year home in the old west Austin neighborhood. I'm also on the old west Austin steering committee and neighborhood zoning committee. I'm co-owner of reclaimed space. We specialize in building of affordable modular homes and build with reclaimed materials that otherwise would be destined for landfill. I only have three points I want to discuss with you tonight. City owned land, divisiveness of these changes, and how we might incentivize historic preservation. First I'm concerned about allowing city owned land to be included in the percentage of land mass requirements. By lowering the required percentage from 60 to 51 percent and allowing city owned land to account for 20 percent of the required land mass, you have effectively lowered the requirements of land mass to 31 percent. That is not very democratic. Not democratic that 31 percent rules and mandates. Let me ask you, which I think and how many I think will be able to teach or gerrymander their lines to include parks and other city owned land. No other city anywhere allows this. Anywhere in the United States. Who is going to develop the park anyway? Next I want to talk to you about divisiveness. Took me 18 years to befriend one prominent neighbor in only one afternoon question and answer session on I think to destroy that connection. With the historically stacked neighborhood group meeting, a vote on the word to support I think's

barely passed 21-20. It incited neighbors against neighbors for weeks after with a and filled the meeting with nothing but anger. To avoid divisiveness, keep the 60 percent requirements. It only meets more cohesive neighborhood. Remember, we have to live here. I want to make myself very clear. I am a preservationist. I also practice, preach and earn my living in the sustainability district. This is the wrong tool to protect homes. The decision to demolish, deconstruct or move a home is economically driven. We should incentivize preservation. Let's move past this ten-year-old model. It's quite clear it doesn't work. These only been one enacted. Let's lead the country in preservation. Let's look at portland portland's model to encourage. Their density requirements, if the owner keeps the original structures, trades requirements. This tool is too restrictive and not sustainable. On one hand the city rewards me with rebates to install solar panels and low e and on the other hand I can phase a fine of up to a thousand dollars a day. I'm almost finished. Let's send testifies restoration.

>> Mayor Leffingwell: Finish your current sentence of your time is up.

>> If I wanted to live in a neighborhood where 31 percent of land mass could restrict my paint choices or not allow me to add a front porch, I would have bought in the subdivision 20 years ago. Thanks for your time. If you have any questions for me.

>> Mayor Leffingwell: Thank you, Mr. Tracen.

>> (Applause).

>> Mayor Leffingwell: Next speaker is Steve Ogden.

>> Thank you, Mayor. Council members. My name is Steve Ogden and I own several properties in the central Austin area. My family owns numerous properties in the central area as well as classvillament one of my problems is already affected by the first historic district although it was given no contributory value. Everybody on my side of the street was against, everybody on the larger home side of the street was for it. I would like to express my opposition to this change. As I read the article in the American Statesman today where the proponents of this change argue that it's currently too difficult to get a historic designation, I had to think there is a profoundly good reason for that. Why it's difficult to change neighborhoods to historic designation is because it solves taking of property rights and individual choice and hopefully ensures that the wishes of the few vocal minorities are not imposed on the many. With the 51 percent rule and adding of public property and park land in that figure it's too easy for a few folks to gerrymander boundaries which will be in favor of such such a district. The opportunity for the districts to be activated without a true majority comes into play and will pit neighbor against neighbor and will cause a possible financial burden on some who cannot afford. I'm sure the homeowners who are in favor want to protect property values and that is their right. I think each and have ever every one of the pro should be able to file for historic zoning but to invoke on other property owners is not fair, especially using park lands. There are enough restrictions in place now with the restrictions than most other cities of our goal must to make Austin a livable city, one with vibrant inner city where we can ride bikes, welcome, move around without cars. We are allowing huge condos to go up and saying to developers, build whatever you want. It's okay to build the modern structures, we need the vibrant

inner city but saying to homeowners, we can't do it. How is that fair? . Austin is austin because it's an eclectic town, not a black and white cookie cutter town it is losing its way under the auspices of preservation. Our character is our eclectic nature, not that dictated by a panel. Like every human being the town is constantly changing, some for good and some for bad. Please say no to this change. Enough is enough.

>> (Applause)

>> mayor leffingwell: Thank you. Next speaker is sharon miller.

(Change in captioner) you should look up these things because, you know, digging around I was just sort of interested that both put up there at 51% and we're all done, let's go home. But 67% of the people who own those properties on the old properties that are most affected by the ordinance. So if you think about it, i mean it gives me a bit of the heebie-jeebies to think I'm trying to demand we are as fair as houston and fort worth. Can we be as democratic as our peer cities. And I'm really asking you guys to not abandoned us to a sort of wealthy special interest group here. Like at a minimum make it a democratic process. I mean, how awful to leave us to sort of a minority vote. So when you are thinking about these things, just keep that in mind. A minimum of a democratic process. Something you have all benefited from yourself. So please keep that in mind. Thank you.

[Applause]

>> Mayor Leffingwell: Thank you. Next speaker is red wassanick. Next is karen belevaka.

>> Thank you, council. Red wassanick and I live in the old west austin neighborhood in a 70-year-old house. I'd like to speak specifically to the energy saving features that the certificate of appropriateness would either limit or make very arduous to get. One of the great things about austin is that it has a reputation as a green city and we really need to play that up and celebrate that. And to have restrictions on energy saving features like solar panels, energy saving windows, metal roofs, things like that where it's very arduous to get those is just i think we're shooting ourselves in the foot as a city who likes to celebrate its progressive environmental qualities. So I would urge any sort of restrictions on those features to be very minimal and not a great hurdle for people to pursue. Thank you.

[Applause]

>> hi. My name is karen pavelka. I teach library and archives conservation at the school of information at the university. I also serve on the board of directors for the american institute of conservation of historic and artistic works. It's an organization that serves all specialties of conservation including historic preservation. I fully support the long-term preservation of austin's neighborhoods and in a very real sense it would be against my professional code of ethics for me to do otherwise. However, I cannot support the local historic district amendment because it does not allow solar panels, double payneed windows and other ways to reduce energy consumption. I believe that global warming is real. There's a bigger picture here. Fighting this is critical. Further, I can't support a plan that imposes a color palate

and other restrictions on an historic neighborhood. I believe that a neighborhood is more than architectural detail. There's a significant difference between a vibrant and vital neighborhood and a prestige of what was. Thank you.

[Applause]

>> Mayor Leffingwell:

[Inaudible]. And after suzanna will be christopher -- chris, if you could arrange yourself on that side.

>> Hello, I'm a resident and property owner. I understand many people have been involved creating the ordinance with worthy intentions for some time. With that said I am absolutely for preservation. We love our neighborhood because of the history and unique character. Along these lines I think involvement in awareness and open manner about the specific pros and cons of this ordinance is crucial and has not occurred. When members of clarksville were asked about the community that they want to retain, change or improve the consensus is the historic built environment and traditional aspects are worth he of preservation. The fact holds true, people who care for their community want to preserve a great portion of its physical appearance. I hope the council will consider having a 60% property owner and land agreement under the ordinance plus a smaller contribution of city owned property. Without this a truly small majority is needed. Don't you want this ordinance to be something with authentic community support which can then really enhance what we already hold dear. My second area of concern is sustainability. So homeowners can take advantage of incentives, programs, new technology along with peace of mind for utilizing a greener approach when necessary. One that fits their unique needs, not a general assumption. We're a familiar who will continue to live in clarksville for years to come. We want to grow and individualize our space with integrity. Thank you.

>> Mayor Leffingwell: Thank you. After chris will be --

>> hello and thank you cops and mayor. I live in clarksville. I appreciate and understand the need to protect old and historically significant homes and neighborhoods. I also respect and appreciate the work and time that the historic preservation task force has put in regarding preservation. However, I'm not in support of the current code amendments. I feel that -- I feel the nomination process is not democratic and city owned property needs to be excluded from the vote. Proposed guidelines from my community look restricted and look like a hoa. I chose to live downtown because I embrace downtown austin's he can electric i haveness and individuality. Without a fair vote I feel the design guidelines will force conformity and divide the community. Without a fair vote we will not come to a vote that the neighborhood will embrace as a whole.

>> Mayor Leffingwell: Thank you, nathan [inaudible] and patrick sutton will be next.

>> Hello, I'm speaking today green building central texas balcones chapter. Outside of hi efforts with the chapter I'm a practicing architect and teach at the university of texas school architecture. I'm not here you wanting u.t. Today, however. We believe the effort to preserve austin's distinct i have character

should go hand in hand with an effort to move towards a sustainable future. We have a wonderful stock of old buildings. These are usual examples of older building technologies that no longer sooth demands of modern lifestyle. Adapting older buildings to current needs is widely recognized as a very green strategy. However, these buildings must evolve if they are to be truly sustainable. By extending these requirements to all contributing structures in an historic district, we're talking about potential to affect a huge number of buildings with this ordinance. We're not just talking about listed historic structures. I was handed a set of proposed amendments to the ordinance here which I'm not sure, they were alluded to by deniecey, but for everybody's benefit, I will summarize these. In the section 2, the ones that I'm particularly concerned with, the first is language that says a preservation plan may allow and encourage property owners to employ various sustainable strategies. Which I think is a great first step,; however, the language is too weak as written. I would appropriate it say it shall allow and encourage property owners to utilize said materials. And as a -- as a point of reference, I would encourage the inclusion of doors and windows in those strategies as well. Item d on there where it says prior to action by historic landmark commission, the plans shall be submitted to austin energy for review, I would definitely be in support of. I think it's an excellent idea. And finally I would suggest adding one more provision to these amendments which would be that during the process of guideline or design criteria, that from group that's establishing the criteria consult with either austin energy or some unbiased outside expertise for guidance on the impact of their proposed guidelines. Windows have come up a number of times in the discussion today I'd like to make a couple of remarks about those. From the introductory, the phrases immaterial come patible and historic accuracy as pertains to windows both came up. In preservation versus sustain ability conversations windows are usually the point where the rubber meets the road. So I would just like to point out that windows and window shading are the number one energy efficiency priority in upgrading older structures in our climate.

[Buzzer sounding] and it's without the ability to make those changes to those elements you will not be able to achieve true sustainability.

>> Mayor Leffingwell: Thank you.

[Applause]

>> my name is patrick sutton. I live in old clarksville. A couple years ago when I was in the process of building a new house, energy efficient house in old clarksville against quite a bit of sadowski's office conducted a vote to try to approve old clarksville and another small adjoining area as a local historic district or to get it submitted to the city council. There wasn't a lot of publicity. The landowners got the forms to vote and then we got the thick booklet of suggested criteria for historic -- or design criteria. The -- the proposal was roundly rejected by the neighborhood, but I never heard much about it after that. I can tell you there were some interesting things in those design guidelines. No metal roofs. Half of clarksville has metal roofs already. No screened in porches. All I have to say is tiger mosquitos. Various other kind of restrictions on windows and other things. And so in my view it was a good thing this was voted down and fairly soundly. It seems my perspective is that having lost a battle like that, the neighborhood associations are gerrymandering, lowering the threshold of vote so they can for bid

people like me from having screened porches on our house. Thank you very much.

[Applause]

>> Mayor Leffingwell: Thank wilkinson is the last person signed up want to go speak and you are signed up as neutral.

>> I am signed up as neutral. I favor many provisions in these amendments. I'd like to point out two things though that I think have to do with fundamental fairness that need to be changed in these regulations if they are to be fair. First is, under the amendments as proposed, a contributing structure within a local historic district effectively becomes like a landmark structure as far as how it's now going to be treated and the restrictions that are put upon it. A landmark structure that's made that a landmark structure against the will of the owner, that owner has a number of protections under the code. He has two-thirds or three-quarters of the historic board. He has three-quarters of the city council before he -- his property can be zoned historic. However, the contributing house has no protection at all. The owner of that has no say under this code as to whether his house will be designated contributing or not. In fact, this -- these amendments don't even give him notice of whether his house might be considered to be contributing. Let alone any grounds to object or any grounds to appeal. I think in fundamental fairness because of the restrictions that are going to be put on that property there needs to be some protections or at least some notification and appeals right for that owner since he's the one who is likely to know most about his house and whether it's been changed over time. The second thing is, and this is a special interest on my part so you can ignore it because we have a house percolating along through the process. I think that the code needs these new demolition by neglect provisions; however, the way this is written, a house that's already dilapidated, already in the process of falling down can be designated historic and/or contributing and all of a sudden the owner of it is -- is -- is in violation of the code subject to prosecution, subject to fines. It simply isn't fair that a house that already meets the standards of what's a demolished structure can be designated either an historic structure or a contributing structure. I think those -- there needs to be some sort of provision that says you can't designate them that and/or they are not subject to these penalties if their house is designated when it's already in that condition. Thank you.

[Applause]

>> Mayor Leffingwell: So we have laurie renteria, sabino renteria, david conner, laurie team signed up in favor but only want to go speak if there are questions. We have a number of other folks who are signed up both for and against whose names will be entered into the record by the clerk. That's all I show of people who would like to speak on this item. pineli, come forward, we'll get you signed up. You have three minutes.

>> Hello, councilmembers, mayor. My name is joe pineli. To quote mayor wynn, I know this is going to give people some heartburn. But I want to correct some things. You know, if -- if everything I heard here today by the opposition was taken into effect, I don't think all of you have heard my thing about male pattern baldness, it doesn't really affect anyone until you look up one day in the mirror and you see that

the place back here where -- so if we let everything happen in these neighborhoods, you know, austin, the historic nature of austin is -- is one of the things that really makes us austin. And the economic advantage of that is just never been really calculated by people as it should. The heritage society has -- I'm here for me, not them, but the heritage society has tried to educate the community on the economics of preservation for a long time. I'm here to support, of course, and I want to tell you a couple of things that -- I'm probably the leading authority in construction on preservation in texas. I've been doing it 31 years. I have retrofitted by building science and not common sense many houses in austin. It's a common myth that metal roofs are less hot than asphalt shingle roofs. They are not, they are hotter. It is a common myth that replacing historic restoration windows with double pane is the way to go. You never get the pay back. The carbon footprint of the new windows is awesome compared to the old windows and old wood doesn't rot. The -- the radiant transmission through the glass is not the problem, it's the air leak and we can address that. I probably have more interest in sustainability than I do reservation, and I assure you we can work with sustainability people to do this. But we are not going to put solar panels on the front of these buildings and porches. Now, the solar overhang thing is an issue that is accurate and I don't know quite how to address that but I think we can all work that out. The sky is not falling on this. I've heard the sky is falling from everybody that came up here. It's not. The research was done by the cities with really good preservation ordinances, not the cities with really bad preservation ordinances, and we can go all over the country and find 90% district ratios. I'm here culminating a decade of working to see this happen. And I'm certainly hoping you all vote in favor of it. Thank you very much.

>> Mayor Leffingwell: Thank you, mr. pineli.

[Applause] those are all the speakers that we have signed up wanted to go speak for and against. Is there a statement by the applicant, which is the city? Or are you fine? Okay. All right. Councilmember morris n. Morrison.

>> Morrison: Thank you, mayor, and I want to thank everybody who came out today. There's a lot of work and thought put into this. That's what it takes to make this city go round. For the folks speaking in support, I don't think I can state it any better than John Deniecey in the beginning and Joe Pineli in the end. This is a tool we need in this city. It's not been working and we need to get behind it. We have a long way to go in terms of preservation in this city. We have a national trust for historic preservation coming next year for the -- for their national conference and they have to go to Fredericksburg to do the historic tours which is a bit of a sign. There is absolutely wide support for this ordinance on all sides of the city. We have East Cesar Chavez, I know folks in Rosewood on the east side, folks on the west side and Brykerwoods, we have the Travis Heights folks down south, Hyde Park in the north. In addition to that I want to take a moment to mention some of the luminaries and the stars and press vision that wrote in to support this effort from Preservation Texas, if the Austin Film Society, if the Texas Film Commission, the National Trust for Historic Preservation and the Texas Historic Commission are all in support of this and I believe that it will in fact take us to the next level of historic preservation where we really need to go. In terms of the issues that were brought up in opposition, I do want to address some in particular. We're always having to balance the community's needs and rights with property rights, and it's our job through conversation with the community to find the right balance there. I think that there are some serious

misunderstanding among some of the folks that spoke in opposition. This is not a vote by the neighborhood that is going into the 51% or the 60% or whatever. It is getting people to sign on to say I want to start the conversation. No one is making the decision. It's starting a discussion and it is then the -- it goes through all the boards and commissions and it's the council then that makes the decision. I also want to mention that the -- that it is a zoning case so everybody whose property is going to be touched by this does get notice and is brought into the conversation. So I think these are -- it's absolutely the right tools that we need. I always -- also want to speak to the issue that was brought up about -- quite a bit about city owned property. Clearly in the areas that we're talking about, 99% of the time the city owned property that is going to be in the districts is going to be property that is integral to the fabric of that neighborhood because the parks and all of that were put together -- were built with the original neighborhood. So they are part of the historic fabric and the historic character of the neighborhood. But even in the case where they are not, just like property owners whose property is not contributing that are considered to be part of the potential historic district, just like those property owners have a right to sign on to say yes, I want to have the conversation, even if they are not contributing to the historic fabric, the city owned property really can speak to -- can be counted toward want to go have that conversation, and historic preservation is a value that we hold in this city and so it makes ultimate sense that city owned property should be part of those signing on to say yes, we want to have this conversation. The issues of sustainability, I know joe mentioned the importance of them as well as folks that are urging that we take special precaution with that. So with that, mayor, I would like to make a motion that we approve the planning commission recommendation with two additions that address sustainability. And I believe that the clerk and others in the audience and my colleagues here have this extra language, but I'm going to go ahead and read it out, make sure everybody understands what I'm suggesting. And that is, first of all, section 25-2-356, historic area district ordinance and preservation plan requirement, is amended to add a new subsection c to read: Consistent with the character defining features of the district described under section a-1, a preservation plan proposed under subsection b may allow and encourage property owners to utilize various external materials and mechanisms to promote sustainability including but not limited to roofing systems, solar technologies, energy generation and efficiency, water collection and reuse, rain collection systems and drought tolerant native and edible landscaping and gardens. That's the first part. And then another part, section 25-2-353, requirement, is amended to add a new subsection which would prior to action by the historic landmark commission, a preservation plan submitted as part of an application for a combining district shall be forwarded by the historic preservation officer to the austin energy green builder or successor program for review and written recommendation. These recommendations shall address the opportunity to incorporate sustainable elements listed in subsection 25-2-356-c. The recommendations shall be provided to all boards and commissions and council prior to public hearing and action on the application. So mayor, that's my motion, that we close the public hearing and approve on all three readings the planning commission recommendation with these two-with these two addition that I just read out.

>> Mayor Leffingwell: Motion by come morrison to close the public hearing and approve the planning commission recommendation on all three readings with two additions relating to sustainability. Is there a second? Seconded by councilmember riley. Is there further discussion? Mayor pro tem.

>> Martinez: IST GOING TO BE pineli made a joke about male pattern baldness.

[Laughter] wasn't much preservation i could do. This is what I have. I want to thank all the folks that have worked on this for so long. You know, I realize that there are some concerns and some issues, but as councilmember morrison pointed out, we as a council have the ultimate ability to make that final decision. And if there are some needed improvements in any petition local historic district, this is the body you come to and this is the democratic process that you come to to make those requests. And in democracy we'll make that decision moving forward. I think what we have is a good road map for success in terms of preservation and local historic districts moving forward. So I want to thank my colleagues for all their work and staff as well.

>> Mayor Leffingwell: Councilmember shade.

>> Shade: Well, I'd like to echo the comments that have been made about thanking everyone who has been involved in this very fruit full discussion not only this evening but in the many evenings that have led up to it. I also want to recognize the fact that many of the speakers are actually from not only my neighborhood but my block. So it's good to see y'all out on a thursday night so you know where I am on thursday nights now. I think that -- I struggled a lot with this. I think that, of course, i support preservation and in fact not too long ago there was an editorial in the statesman talking about the nostalgia tax and this is a big part of austin to remember the past and think about it. Somebody made the comment about the -- lamenting, the people who are here now who history so much about the austin that was. But I don't think it matters IF YOU GOT HERE IN THE '60s OR THE 70s OR 80s OR 90s, AUSTINITES LIKE TO Remember and lament the austin that's from the past. It's just part of our own he eccentricity. Character means integrity, it also means the aggregate of features which does include the people. And so I think that some of the comments that have been made and some of the debates that we're going to be seeing as a council as a result of this, you know, my hope is that we'll see more local historic district proposals, but I do think that means that more and more neighborhoods are going to be engaged in this conversation and sometimes it's going to -- i never would want it to pit neighbor against neighbor to the point where it ruins the character and integrity of neighborhoods, particularly those that are the most -- you know, the most historic. So yeah, my dear friend joe pineli said, this does give us some heartburn, but I think it's important we take the plunge which is why I'm supporting this. I have worked with a number of people that are here on one issue that I couldn't get past the heartburn and that is the issue of the city owned property. And so I have worked with john deniecey representing the heritage society and I feeling and I feel like it's close to -- I didn't realize people had a document you handed out, but I do have a document here that's language john and I had talked about earlier that I would like to pass out and ask if we could make a friendly amendment to the motion, which is very similar to the proposal. It's basically city owned property shall count towards support of the nomination of the district if it contains a building or structure zoned historic or integral to the historical development of the district based phone the recommendations of the historic preservation office and historic landmark commission. The amount of such property to be calculated as supporting shall not exceed 17% of the 51% of the land in the proposed district. So again, understanding that it's -- it's -- I am supporting this, the reduction from 60% to 51% and I am supporting the potential for city owned property to count for up to a third of that, which would be 17%. However, it does need to be part of the historic -- it needs to be part of the historic fabric.

And I realize there will be some examples as councilmember morrison said where that will be very obvious and I realize in some cases it would be more of a stretch. But I do think it's important to preserve the democracy that has been so well articulated by people. And when councilmember morrison said city owned property, you know, is -- we should be able to speak on behalf of city owned property, I think it's important to remember that city owned property is in fact owned by everybody including those that might oppose an historic district.

>> Morrison: Is that a request for a friendly amendment?

>> Shade: Yes.

>> Morrison: Before I answer that, I would like to ask mr. deniecey to come up. Is that supported?

>> We do support -- the position of the heritage society we support the recommendation from the historic landmark commission, the planning commission, the planning commission codes and ordinances committee and staff which is codifying the resolution that you adopted in september of 2008.

>> Morrison: So not --

>> Shade: Could you live with this version, which is very close to the zap idea and one that I have talked to you about? Can the -- I'm trying to reach a compromise here. If not, then -- well, I'll just let -- I mean you are putting -- I'm speaking on behalf of the organization. The organization has vetted and discussed what is before you in the motion from councilmember morrison.

>> Shade: Then I assume will you not support the friendly amendment.

>> Morrison: You are right because as you mentioned we need to think about city owned land very carefully and i appreciate that, but I do believe that the fact that it is a value of the city, that we even in the case that it's not contributing, which is the case that would be left out with your proposal, even in that case we should contribute -- we should be part of starting the conversation. So no, I wouldn't accept that as a friendly amendment.

>> Shade: Can I make a substitute motion?

>> Mayor Leffingwell: You can if you desire.

>> Shade: I'd like to make a substitute motion that we approve the version as articulated by councilmember morrison; however, with the exception of my friendly amendment.

>> Mayor Leffingwell: Well, I think probably the best course of action would be to make a friendly -- make an unfriendly amendment to the existing --

[laughter]

>> Shade: I don't know anything about this parliamentary procedure process.

>> Make a motion to amend.

>> Shade: I'll make a motion to amend as I've just outlined here.

>> Mayor Leffingwell: Motion to amend. Is there a second?

>> Second.

>> Mayor Leffingwell: Seconded by councilmember cole. Any discussion of the amendment?
Councilmember riley.

>> Riley: I just wanted to ask a question. At one point I saw other language addressing this issue which I thought was compromise language offered by the heritage society. John, can you help me understand what happened to that language?

>> That was different than the language that --

>> Riley: That's right.

>> That was different language. We had always presented that our position was to support what the recommendation was from staff, the historic landmark commission and the planning commission. But if that was not acceptable, then the other language would be. The western was that you would be -- concern was you would object the dais trying to create some language and our concern was there could be some harm that came from that.

>> Riley: Right. Right.

>> Shade: But that is what -- that is what I --

>> Mayor Leffingwell: Councilmember shade, please.

>> Riley: The thing I can live with did compromise language embodied in that version but I have some issues with this version. I mean we can get into it, but there are some semantic problems. I think the language is ambiguous. And I think there's substantive concerns I have about it too. But about the other alternative language was okay. I don't know. Councilmember, do you feel strongly about this version as opposed the other version that the heritage society offered to address this?

>> Shade: They are very similar. The difference after -- i spoke with staff to get the -- there were two concerns. One was that it was not as explicit about how you would handle a stacy park that is clearly

part of the fabric. And secondly, we tried to improve the language so that we could be inclusive of including the historic preservation office as well, deniecey about both of those and I thought i had concurrence. I'm very surprised here, but it is very similar to the language we were circulating. We were trying to enhance and improve to those two issues. I can live with what's here, but I still think it creates what -- what it creates is a problem with how you define -- I mean the contained struc or features that contribute. We were trying to make it more explicit, not less, which, again, I can live with the one that was proposed here. We were trying to improve it and I thought with staff and deniecey we had achieved that.

>> Mayor, I have a question.

>> Mayor Leffingwell: Councilmember -- did you want to make your amendment or withdraw it?

>> Shade: Well --

>> Mayor Leffingwell: There is the motion to make the amendment is on the table, has been seconded.

>> Shade: So why don't we vote on the amendment.

>> Mayor Leffingwell: Councilmember cole.

>> Cole: I have some questions of mr. sadowski. Is he here? There he is. Okay. I need to you walk us real clearly through what this amendment does. There's a concern and I share the concern that city owned property be counted toward the historical preservation district in the 51%. For example, in hyde park, we have the elizabeth ney museum, clearly an historic building or museum. We have the fire station. Clearly I think the first fire station in austin or close to it in an historical landmark item. We also have hyde park. Not so historical, but a good park. But what I'm trying to get at is no matter -- as much as we value culture and heritage throughout our city, because i especially appreciated the comment of the lady from east austin, we are still taking items off the tax rolls. And in this budget shortfall and with all these people here for our budget hearing, we need to be very careful when we do that.

[Applause] so what I'd like for you to do is explain the difference between including city owned property or excluding city owned property in the calculation of up to the 51%.

>> It's actually I think maybe simpler than you think.

>> Cole: Okay.

>> It is -- in looking at an historic district, we look at what is the context of the district, first of all. If there is city owned property within that district that is integral to the development of the district or has an historic structure like the elizabeth ney museum, that is a designated landmark already. So its historical significance is already established. If we look at an historic district, say, that borders a greenbelt, that could be a completely different or just an undeveloped area that's owned by the city. That could be a

completely different consideration. Now, when you say taking properties off the tax rolls, we're not actually doing that through historic districts. So whether we --

>> Cole: Can you explain then the tax -- property tax implications of creating an historical district?

>> Yes, ma'am. Properties that are contributing to an historic district or that are not contributing but through a restoration project could be -- could be contributing to a district have to go through the landmark commission to get approval for their restoration plans. They have to spend a minimum, depending on whether it's owner occupied or income producing, and then the tax benefit that they get for doing that is just on the added value of the restoration. So contributing buildings within an historic district do not take any building off the tax roll. What does come off the tax roll for seven or ten years depending on whether its own occupied or income producing is the added value of the restoration. But the whole idea is to make sure that contributing buildings remain on the ground and don't have to be demolished coal cole that's the part I'm trying to get some type of monetary value around. And that is the seven to ten-year item that actually is not included. What is that and how would we estimate it or do we know?

>> That would have to come from the travis central appraisal district. But say your house is worth \$100,000. And you put \$25,000 worth of work into it. This could be in central heat and air, new roof, any kinds of things like that that increase the potential for viability for that property. Have you to put a certain percentage of that money into exterior repairs or restoration. But it's a fairly small percentage. If you do that and after the restoration is done, your next assessment, say, is \$150,000. You went from \$100,000 house to a \$150,000, then the tax freeze would be on that extra \$50,000, not on the entire property. It's only for the added value.

>> Cole:, it's only the increment.

>> Yes, ma'am.

[One moment, please, for change in captioners]

>> I have a follow up snausky, in his presence, denesy put up a slide showing austin having many more historic structures, historic landmark designations than other cities who had more historic districts than we do. The bottom line being without going through the higher arithmetic that you went through, the bottom line is more historic districts with more historic districts and fewer historic landmarks, the tax base is higher than vice versa?

>> Correct.

>> And one of the primary reasons besides a love of old buildings to have historic districts is to not have nothing -- the only way we have right now which is -- well, the only practical way we have right now to preserve the historic also historic landmarks so if we have few historic district we have fewer for historic

designation and that will negatively affect the tax base. Is that correct?

>> That's correct, sir.

[Applause]

>> councilmember.

>> Yes, I have a question, in this suggested language in the amended motion that was passed out, I have a question about what it means, it says city owned property shall count count towards the support if it contains a building or structure zoned historic or was integral to the historic development of the district based on the recommendation of the historic preservation office and the historic landmark commission. So can you tell me how that would work? So if there is a piece of property that's not zoned historic but might be considered in a -- does this mean it goes to you and has to be put on the historic land mark's agenda for a recommendation?

>> Yes, ma'am, because all applications come through my office first.

>> No, no, I am talking about this thing, whether city owned property should count. That would have to be figured out before an application is submitted, it would have to be a separate process, because otherwise, how do you know if you are ready to submit your application, so I guess I am just concerned that that's going to be really unworkable and add more agenda items to the --

>> well, to -- to address that, part of the nomination is a writing up the historic context of the district, so looking at the years that it was established, the way it was established, the natural features within the district are all part of the report that accompanies the survey and inventory.

>> I know, but this is all separate. You don't even know -- the neighborhoods are out there doing this work, you don't know if they are getting the member signatures until they go to the historic landmark commission, that doesn't seem like a very tenable situation, they won't know if they are done getting the number, the landmark commission say no and they may have to go back and find quite a few more, I think --

>> that is a danger, but for all practical purposes we have provided preliminary reviews of several applications for local historic districts so far, so this could easily be part of that preliminary review.

>> But as the officer but you don't know what's going to happen at the commission -- okay, that's fine. I find that somewhat unworkable and I still believe that -- that the city, even with properties that not historic it is reasonable and actually desirable to for us to stay with the city-owned property we are for about having a conversation for this being a local historic district. This is all this doing, just counting city property to the starting of the conversation, which what the submission of the application is, not making any decisions one way or another, so i won't be supporting it.

>> Can I ask a question --

>> yes, what is disturbing me is the motion that a brand new police station, a fusion center, a --

[laughter] --

>> could be counted in the designation of historic and I was asking that question about hyde park earlier because I live close to there but there was a building close to shy park but I have no problem with that county, but town lake, i just --

>> but what we are talking about is not whether it counts as -- as historic, we are talking about, you know -- we are never going to, unfortunately probably have a local historic districts that 100% contributing properties. Some of the problems are not going to be contributing. We have lot a lot of these properties -- in a lot of these neighborhoods, that is what prompting the efforts to try to work on a local historic district because they have lost the property. They are not -- they are going to be properties that are not contributing. Those properties also have a right to chime in and -- in initiating the application, the noncontributing party are counted in that 51%. So even if the city's property is noncontributing, we can have that count in that 51% of just trying to get the conversation started. Now, we probably have standards as to what percent has to be contributing for it to be the district in the end. Is that right?

>> Yes. What is the percent?

>> 51 Percent,.

>> That a different 51 percent, our city owned properties that not historic would not be counted as historic. That is not what we are saying. We are just saying the other 51 percent we are talking about is initiating the application. We are saying, yes, we want to have that conversation. I think the more I talk, I am just confusing you more. I apologize for that.

>> Ma'am, with all due respect, I think most of us -- all of us understand what we are talking about here and the debate can go on forever. We have an amendment on the dais and I want to call the question on the amendment.

>> Mayor protim calls a question on the amendment. Is there a question to calling it? We will proceed to a vote. All in favor of the amendment say aye >> aye.

>> All opposed say no. Ayes have it. Let's have a show of hands. All in favor raise your right hand. All opposed. Amendment fails. So we go now to the main motion.

>> We call -- can we call the question? By >> I would like to make another amendment. W well, I think councilmember shade objects. Councilmember shade.

>> If we were to amend it to use the language that was circulated widely as an acceptable language to the heritage society, I would like to -- that we do it that way, to see if it changes the vote, use that language instead of the one I thought I was substituting to improve it. I would like to make that motion, if we have a second. A another amendment proposed by councilmember shade and seconded by councilmember spelman for the --

>> [indiscernible]. This is the language that was widely circulated as an acceptable suggested language from hsa and, again, the reason I feel so strongly about it because I think that -- you know, I understand both of these values, but I think democracy, 31% a minority to start the conversation, I have just heard too much to suggest that we need to consider that and not have neighbors nighting with neighbors --

[applause] --

>> so this language was apparently allowable and I will read it if you want me to.

>> Please.

>> Do we have copies of it >> I think so because it is the one you handed out. P please read it and we will get a copy to -- >> it is the first page of the document you read of page two.

>> No, what I read for page 2 is this. C councilmember shade would you read >> property by properties shall be exshall be excluded except such property may be included in support if it contains structures or features that contribute to the historic character of the district as determined by the historic landmark commission, the amount of such property to be calculated as supporting shall not exceed 17% of the 51% of the land in the proposed district.

>> And it is seconded by councilmember spelman. Is there any further discussion on the amendment? Mayor protim, mayor protim calls the question. Is there objection? All in favor of the amendment, raise your right hand.

>> Amendment passes 5-2 vote with councilmember martin and councilmember martinez voting no. And that brings us to the main motion as amended. All in favor of the main motion, say aye.

>> Aye. Any opposed? That motion passes on a unanimous vote. Thank you very much.

>> Thank you.

[Applause]. C councilmember, would you furnish that amendment language to the clerk, please.

>> I think john will have it right there. C councilmembers we have -- if you could hold your conversation down as you exit the room, we would appreciate it. We have a few more hours to go here. We would like to get started.

>> Just a few. we essentially have -- there is several items but we essentially have two items. The water treatment plant for related items have a total of 73 speakers, by my latest count. It keeps changing, item 67, which is the public hearing on the budget has a total of 63 people signed up to speak. So I entertain suggestions on which you -- which item you would like to take next.

[Multiple voices]

>> suggestions from the councilmembers.

>> Mayor -- mayor protem

>> I think we have numerous city employees here and I would like to give them an opportunity to speak, please.

[Applause] and go home in town so they can get rested to come back to work tomorrow.

[Laughter] c convinced me. Okay. Council will take up item 67 to conduct the public hearing to receive public comment on the city of austin 2009-2010 proposed budget. Council will also hear public comment on the proposed budget on august 20th and again on august 27th, 2009. So I will begin calling speakers to the podium and I will call two at a time and please line up on opposite sides so that you can be ready to go as soon as the previous speaker is finished. The first speaker is sylvia rosco, after sylvia, martha -

-

>> >> ray: mayor.

>> I would like to make a friendly suggestion to the aski group that you maybe pick one, two, three, four key folks to speak on behalf of the larger group and i invite the rest of the members to stand while the selected folks are speaking. A and I would second that suggestion, if you would care to talk about it among yourselves. Sylvia go ahead, please.

>> My name is sew, vorosko, a member of the mew semester but also a member of the mexican cultural center advisory board. I have been a advocate and participant of both institutions over 30 years, I thank you for your past support of latino and mexican american arts and culture in austin, texas, I and hundreds of people have created many years creating culture programs and arts to improve and contribute to making austin a better city. Education is a key to creating better citizens, today I am here to consider asking you to fund education staff for the mexican american cultural center, as you know the mac will have a new wing in january of 2010, the new build will have two classrooms an a rehearsal space, no problem, there is no staff, there is no education staff to work in this building. It is not in the budget for the fiscal year of '09-10. This is a major problem because -- for any institution to function, you have to have staff. For one moment, imagine a building filled with children, teens, adults, families, painting a mural, learning the flacorico, reciting lines from a play, learning a new poem, learning not only about art but culture, history and heritage, this is what we dream about and now let's think about the opposite, when there is nothing, no funding, no funding for staff. You have an empty building or

underutilized building. The hispanic community continues to grow, now to over 30%, this year the city of austin is conducting a study in the quality of life for the hispanic community. The lack of cultural services and education classes will make a major impact and lower the quality of life. In the create austin master plan, the importance and increase of arts education is highly emphasized. The role of the mexican-american advisory board is to advise. We strongly advise and we recommend that you provide funding for the education staff, for the new wing of the mexican american cultural center that will make a long lasting impact on our community and austin. Thank you. T thank you and before you start -- I would like to announce in adva that, you see council members off the dais from time to time, they will be taking a break in the back, eating supper or whatever, but there is a television back there which they can watch and still hear the public testimony and I may be one of those in a little while so i wanted to get that in, ms. contera, go ahead.

>> Thank you, my name is martha and I am chair of the mexican american cultural center advisory board and we respectfully request six full-time employees for operations of a new 8,240 square feet of space that will come online in six months' time. The six full-time employees have acquired for the following areas, three educational special for expanded programming needs and management of one building and ground supervisor, one cultural arts educational specialist and one administrative assistant. The total amount for this request, for the 6 full-time employees is an astoundingly low \$183,581. I was feeling very guilty about this amount until I heard the generous pay given to our education -- our information technologist who is not even going to come on the job, so i figured this is-dollars more, i believe, just 20,000 for six humble path, hardworking employees that will help us run that new wing of the mac and you will be hearing from other members that will specifically talk about statistics on youth and other people that have been our partners and collaborators in this wonderful institution, and like sylvia, I want to thank you and pass councilmembers for your support for this institution, we really, really appreciate it. And I can't wait to go back there to partying tonight. Thank you. A angela venezuela is next, and on the other side, lu zamora venezuela.

>> Am I able to give y'all handouts of my presentation? A angela is first --

>> yes, can I do this? I have never done them before. J just pass them to councilmember coal. Councilmember cole.

>> Thank you very much for, councilmembers for opportunity to talk about the partnership between mexican american cultural center and the university of texas center for education policy. I direct the center and one of our major initiatives involves la classic mexican, it is a university connected after school program that will keep children from sanchez and aza la to the beautiful space of the mac, including west wing, we need support for an educational officer in that wing. And so what I want to convey is that, like la mexica, is classroom is a program to provide children multiple forms of literacy, you can get a good synopsis in california I have here in the handout. It existed in california, imported in texas, in california we find if children have participated in that program -- and these are english language learner children, all of them slotted for -- for some kind of support and in this space, they get enrichment support bilanguage wallet acy, financial, digital, environmental let acy and in this space, children are able to -- to bridge with their schools, back to their schools in a way that helps them to be

successful. In California in 18 years of existence, what -- what we find that kids who have been in the program for at least three years in the elementary grades, 90% of them go on and either have a BA degree or are in the bachelor's degree program right now and wizard's assistance, those in middle school who are helping younger kids, 32% of them had plans to pursue a graduate education, this has been a nationally recognized program. We are pleased and excited to bring it to Austin and to -- and to particular address the needs of our English language learner and our immigrant youth and that will certainly be a good model for schooling and achievement. Thank you. T Thank you, Lu Zamora century sew la and James Clark after her.

>> This is my daughter, she's only had 8 lessons of accordion -- can i introduce her -- at the mac in recent days so whatever you want to say.

>> Yes, I come to play a tune for y'all to show you some of the stuff i have learned in the mac, mac --
yes, mexican american culture --

>> (playing music). â™ªu9834 â™ªu9834 â™ªu9834 â™ªu9834 â™ªu9834 â™ªu9834 â™ªu9834
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[applause] b bravo, thank you very much.

>> I think the mac would be a good place to support because it would be nice to see more classes so that more kids, like me, could learn more stuff. T thank you.

[Applause]. Amelia samora, you are next on my left side.

>> Councilmember, mayor, originally I was supposed to follow my daughter, I don't know where she went but that is a tough act to follow, that young lady, she is incredible. Let's hear it for her again.

[Applause]. I am here to speak in terms of the water budget, water conservation budget. A few weeks ago there was a meeting of the echo exchange here and the council and they had 10 subjects that they discussed, one of which was water conservation, and after we got done discussing, everyone around voted and put a little green thing on what they wanted and voted for most on water conservation, a group of tree huggers were there and the first thing they voted for was gray water systems and compost toilets and so forth but a close second was to have the water utility increase their budget 1% for water conservation. I would speak highly of them doing that. There are many products and items out there that would be an advantage of the city of austin in saying water. I have also, by the way, you've all probably read the article in the paper a week ago about the lcra and the things they wanted to spend, 400 million for this, and 300 million for that to get a couple -- 20,000-acre of feet of water, where for 10 or \$15 million you can get the same 10 -- the same 20 or 30 acre feet -- a thousand acre feet of water with the technology that is available. So I would like to urge the city to urge the water department to increase their budget by 1% so they can take advantage of these many opportunities to save water. Thank you very much. T thank you. Amelia zamora, and based on my right side will be harry savio.

>> Hello, thank you for the opportunity to come speak on behalf of the mac and its request for support to expand its services to the community. I am with the university of texas, at the history department. I teach there and one of the things I wanted to point out is the mac has been very creative in developing collaborative relations with institutions like the university of texas and I think it is an important point to make at this time primarily because the mac has been creative in building relationships that -- that allow it -- allows it to do a lot with the money that it has. I just wanted to point out that the university of texas now has a place that it uses fully to provide its resources to the public. The mac provides that to them, and the -- the university, then, also provides mac -- the mac, the mexican american cultural center -- services free of charge, the center for mexican american studies, for example, has been involved in sponsoring with the mac a number of things, including art exhibits and film series, [speaking in spanish] , the university of texas is also cosponsored at the mac film series, there is many other organizations including the latin american institute. They use the center to off services of the larger community on a regular basis and there is -- the business in latin-american collection has also used the -- the mac to share with the public many of its archival resources. The school of journalism, primarily the program, the la tina latina work industry has used a mac to help with its oral narratives it has collected over the years. I am personally involved a center that venezuela mentioned -- discussed a while ago, the mexica center, I am going to be working with the center at the mac directly an orchestra project i already started in east austin with mexican origin folks but latinos generally, so I think there is a very good collaborative relationship between mac and many other institutions including the university of texas that allows mac to make full use of the resources that it has but it now requests your support so that it can expand its resources or its offerings to the public and develop more collaborative relationships. Thank you very much. T thank you.

[Applause]. Savio and next on my right side will be kathy.

>> Thank you, my name is henry, the executive vice president for the home builders association in greater austin. Our member firms build about 90% of the homes built in the south central texas region, they are builders but we are also trades professionals, like architects, attorneys and accountants, trained professionals, at this point there is no doubt about the impact the construction industry has it on myself and us here in austin. I have great respect for the budget crisis you face right now, my first job out of graduate school was working on what was then the research and budget office for the city of austin and I ultimately became budget director and I was a city manager in harlingen and there was a crisis there and i have a personal life, our family adopted a baby with down syndrome and now an adult so i saw what happened with frozen positions like mcbeth recreation center like those who have had problems with economic -- economic decisions have had to change in life fulfilling service but i believe the treatment of the billing inspection department and intake section in this budget is simply one of the our association sent you a separate letter that has been passed out with detailed numbers from the budget office recommendations and I delivered another copy. The budget projects revenue in excess of costs of almost \$3 million. And yet the budget shows that 9 inspector slots are being eliminated. gergy's position -- presentation showed that number to have been increased to 11. Now, I am not -- actually I am not asking you here to cut billing permit fees, I am not here to argue that awful of those billing inspector slots should be filled right now but what I am here to say is this slot should be kept and filled as the need occurs. The budget office projections, forecasts reductions in activity which is contrary to

what every economist, either national or local has forecast nor austin for the next year. Even now the permit center is behind on processing and the inspection staff is stretched. And while the workload for that inspectors is great, there is even a bigger bulge back up permits in the intake office. This budget oversight should be addressed >> first of all for your own staff, second for the impact on industry and -- our industry and small business owners, impact on the region's economy. If you think about the impact on city budget revenues because you can't produce the revenue if you don't have the staff to do the work, and, finally, a critical and extremely important reason for us is that we are -- there is going to be very short time near the end of november, when a lot of folks will be trying to get their houses closed so they can qualify for the tax credit.

(Beeping). So, anyway, I know we can't resolve this tonight, but if anybody has any questions or we can answer questions, we would be glad to meet or provide additional information as the opportunity permits. Thank you. T thank you. Kathy ritson and lisa fithian to the left on my right.

>> Thank you mayor around city council for allowing us here on the public debate on the issues, I have a couple of things I wanted to talk about and one is the fact that I recently learned -- you probably all know -- there are several people in austin that still have access through wells in the rolling wood area to draw their water from, the same source that feeds barton springs and living right on barton springs, I have seen how this drought affected the water supply there and we need to address making sure we protect all of the water resources that feed into that most valuable treasured resource of our state and of our city. Also, I am here because -- part of the 0 waste alliance and as such, I think that it's a travesty that you can go to businesses, especially restaurants, and there is no recycling for the food containers, plastic cups, plastic containers the food is provided in, when you talk about why they don't recycle, they don't have anybody that picks it up and it is too much of a convenience for them or expense for them to contract out for that privately, so there is just tons and tons of recycle plastics and food containers that could definitely be being recycled, the worst of which is styrofoam. My sister lives in oakland california and when I visited her I was shocked to hear a city as big as oakland california was able to pass resolution outlawing use of sty row form food containers in the city of that size. The most shocking thing is it went over without a hitch. The restaurants were allowed to use up their supplies of styrofoam containers an they switched and used something else that was recycle or compostable. I talked to restaurant owners and residents, not one complained about the ordinance as being an additional cost or burden on them in any way, shape, or form. To me, that is a no-brainer, we can take recycling styrofoam, up recycled plastics for a lot of things they don't take foot containers and restaurant after restaurant give you your to go foods and styrofoam containers that fill up our landfills and will absolutely positively never break down. They are permanent waste. They don't compost, don't breakdown and they will be there long after any of us or our grandchildren or great great great great great grand children, all because of the styrofoam we need to use for of fever cups and food containers so it would be so simple to pass that ordinance and would do so much to help our waste situation in this -- in this city. Oakland can do it. Austin can do it. And lastly, I wanted to speak on behalf of the pecan street project. I am sure all of you are in great support of this major effort to bring sustainable energy to our community. There has been several people in the community that have been working very hard to bring corporate investment and research and new technologies for the smart group to this city, again, to me, it is a no brainer, we need this energy for our city and I hope that you will consider those proposals

very strongly. Thank you.

[Applause]

>> lisa pithion and actually a on my left side will be bill bunch.

>> Great, good evening, mayor, councilmembers, carmen and I will share this time, I want the quickly make an opening comment to say when people arrange their schedules to come to speak for you for public hearings and events and have to wait for hours, a lot of people who came here tonight to speak have already left, it is incredibly disrespectful to people's time i needed to say that and i notice add pattern when it comes to issues around working people and the environment we are always getting bumped last so we really hope to see that this pattern does not continue with this new administration and -- and really understand that, you know, when you make these changes on us, only the people that have the privileges that can they here be here so people with children and have families have to leave, so please respect our time as well.

[Applause].

>> Thank you, council, i do want to echo -- w what were you say -- are you signed up to speak?

>> I am. Of you next -- you are filling out the rest of her time >> filling the rest obviously a's time, quickly. I want to commend you for your stamina, I know this is a long day, and I thank you for your open and attentive ears, this is the first time in history where we know environmentalists in the city have come together, you heard about the initiative and eco exchange that we handed to you in citizen's communication, it happened in this room on june 25th and close to 300 people who chose priorities for environmental action were bringing our priorities to you our elected officials and sol of the newly elected officials to demand action to protect air, water land and people. This action plan is providing you, the city council, with real solutions to austin's environmental problems and charting a new course to make austin a truly sustainable city, one of the clear messages of this plan we want to shift the infrastructure of how our community works from compost to go water conservation 0 waste land use and more, the plan also offers a way to bring real justice to our city. One thing we still see which is related to is gentrification of east austin. It continues a legacy and is a product of institutionalized racism and the same that allows pollution east of the highway, same to relocate casting to build affordable housing and meanwhile we are seeing many people forced to sprawl, especially lower income folks and of color forced out of the urban core and then we have relengthless development that is destroying precious land in environmentally precious areas, we are polluting our air and instead need to invest in clean energy and good union jobs we are concerned residents and organizers looking for environmental justice, clean energy, water stewardship, sustainable food, sustainable transportation, and and democracy, we come together wanting necessity of urgent action and commonality as we look for the constitutions we want. You will hear all of the top priorities from each of those areas. We thank you.

[Applause]

>> thank you. Next bill and -- tom hayes, tom, are you here?

>> Yes. A and carol folbrig --

>> -- they all left.

>> I don't think bill is here. O okay. So tom hayes, did you want to use your three minutes?

>> My name is tom hayes, I am the science director for greater edwards aquifer alliance, we have 45 member groups, one of which is to stave our springs alliance here in austin. I want to urge with the budget to consider what water conservation, we ought to be doing much better on that and we could save a lot of money on that. San antonio is doing much better than us, on a per capita basis, they use 24% less water, and they are saving billions of dollars doing conservation so that's what I would urge on the budget to increase water conservation spending, we get much more benefit from that. Thank you.

[Applause] t thank you. We have a -- without objection, council, there is a large group of city employees here who have agreed to consolidate their speaking time to just a few people, so I would like to go to them next and then we will resume the normal order. First speaker will be greg powell.

[Applause] j j janet jones, is janet jones here?

>> Janet gave up her time.

>> You have three minutes, greg, and if somebody else wants to donate to you, that is okay.

>> Appreciate it. Mayor, council, good evening, I am greg powell, the business manager for afme, the american confederation of state municipal employees, as you probably well known, i am quite proud of my union and more proud of the city workers that this union represents who are here tonight and the work ors I am referring to are city workers who are maintaining our streets, who are the first responders when water lines are rupturing and sewer lines are breaking in the middle of the night, when power lines go down, our city workers are the ones hanging from those power lines in the middle of electrical storms restoring that power, picking up our trash, at the ending to the sick and dying in the city, the city employees who make this city run, this is who we represent and these are the people on whom I am proud to speak on behalf of this evening. The city employees have always been loyal to this city. We have gone through good times and bad. We are no strangers to hard work and no strangers to tough times, such as the budgets that we are facing this year. When these budget crunches roll around, city employees are the first ones to shoulder those sacrifices, and they shoulder them in the way of loss pay increases, foregone market studies, layoffs, furloughs in the past, they have always stepped up to the plate and sucked it up and continued to do their job, and they continue to do it today. We are in the middle of another budget crisis and we understood that sacrifices were going to have to be made. The city employees have made them. They made them throughout 2003 -- or 2009 to the tune of \$30 million in lost pay increases, market studies, v savings, going to next year's budget, 2010, they will sacrifice another \$30 million in pay increases, market studies, v savings. These vacancy savings that we can

really bite off our tongue represents 700 positions that are no longer available. These city employees continue to provide the services that this community relies upon, what this amounts to, is you have fewer employees doing more work and they do it, do it religiously and they are out there in the middle of the night, taking care of the emergencies and at some point we have to draw a line in the sand and say to you that enough is enough, that city employees have done their share.

[Applause].

>> We are -- we are asked to point ways to fund this deficit so we can get through to get through things like stability pay and furloughs and we can point to millions of dollars that are available, the million and a half that is still available for remodeling cubicles over at 1 Texas Center or \$800,000. Do we have someone else that will donate additional time.

>> That was Janice. Is Janice in the room. How about Carol Guthery.

>> Yes, she will donate. O okay, you have three additional minutes.

>> Thank you. So the money is there. Is my point and we can point to millions of it. 5 billion city budget that we are talking about. We are talking about what amounts to is a half a percent of that of a deficit. We don't really care where you get it, but you need to look elsewhere besides city of Austin employees' wallets.

[Applause] we are tired, quite frankly, of these budgets being balanced off the backs of the employees. It is the first place that the city looks to cut salaries, to cut wages, to cut benefits in order to balance these budgets and we are here to tell you that, really, enough is enough, so that's what we are going to ask you to consider tonight. The senate proposals that are before you -- the proposals before you that affect these employees one is furloughs, right, we've done those in the past. We did those in the '80s, they look great on paper and they can help do balancing, the reality is you can furlough employees but the demand on services never takes furlough. Water lines continue to break, trash still gets picked up, electric service gets interrupted and employees have to respond to that --

[applause] [applause] -- and they respond in overtime and call back situations, the city, last time we went through this, did not save a dime by unacting furloughs. The second cut you are proposing is cut to the stability pay for that these employees, some people scoff at that as a Christmas bonus, it's not a Christmas bonus, this is an important pay item for city of Austin employees, it is how most of them provide Christmas for their families and how a lot of them pay their taxes at the end of the year.

[Applause]. And they earned it. They earned it by their years of service and loyalty to that city, it is disproportionate, unfair and ill conceived proposal to cut stability pay, fully one-third of the workforce is not even affected because you have to be five years or more here to receive stability pay, and then your stability pay award is based on your years of service. Your loyalty to this service, who gets hit the hardest?

[Applause]. Your most senior, your most loyal city employees will take the biggest slap in the face when you eliminate their stability pay. It is not well thought out. I am asking you and I am asking you tonight to put this matter to rest, to take furloughs off the table, to take the proposal to eliminate stability pay off the table, do right by your city employees. They have earned it.

[00:06:14]

[Applause].

([Cheering])

[applause] o okay. The next speaker is jesse culunga and following jesse will be susan scalon.

>> [Indiscernible] o okay.

>> Mayor leffingwell, councilmembers, my name is jesse colunga and the president of asma local 1624. We acknowledge that you have made some difficult choices. You have gone to employees. You've come up with some recommendations and i also want to commend apd, fire, ems for coming forth and making recommendations to also give up some of their pay for this upcoming year. In view of those difficult choices, we realize that what greg talked about, we are looking at wage increase freezing, we are looking at salary survey compensation deferred and we are looking at vacant positions unfilled and yet we continue to annex moorland or have to work with the folks that we have on limited -- with limited resources. Now, unless somebody has come up with robotic equipment, mowers, weeders, mops and brooms, computers, all of these things have to be filled by these employees. Okay.

[Applause]. The talk of stability bay -- stability pay does not hit equitably across the board -- i think greg already mentioned it -- if everybody gave their fair share, that would be one consideration, but when a third of the workforce is not impacted by that, then definitely the ones that are bearing the brunt are the most loyal employees, people who have been with you for a minimum of five, six years, most of them, 10, 15, or 20, and it is important for those folks, that they get that longevity pay is what I like to call it. Okay.

[Applause] if everybody were to give an equal share -- if you were to divide the money being divvied up among these people and take out what the average is and you applied it to the other third who are not impacted by that, then you would have electricity. Have -- then you would have equity. Until you do that, you need to consider taking this thing off the table, okay.

[00:09:00]

[Applause]. We agree that there are other issues to face. We just think, like greg said earlier, there is places we can find it. And we would be willing to work with you hard to find those choices before you have to make your final decision. Thank you very much.

[Applause]. N next is carol guthery who donated her time to greg powell but had susan scalon's time donated to her so you have three minutes.

[Laughter]

>> good evening, mayor and council and thank you for allowing us this opportunity to come and speak before each and every one of you. This has been a really difficult year and i know that -- that your experiencing tough times, but it doesn't show much creativity to say, well, let's balance the budget by cutting benefits. That's easy. When the city manager talks about, he wants a well-managed city, part of that does not or should not having it overmanaged. We have added numerous top-level positions to this budget just this year alone.

[Applause]. And the annualized cost of that is what is eating into the reason that these folks have to take a furlough. We also recently have -- have been -- or received information concerning mark ott's pay package and I know he said this is a very difficult decision for himself, to have to balance this budget on the backs of the workers who think it's two-thirds or right under a half make less than \$20 an hour, so when you ask them to take a furlough, you are taking food off the table. You are taking food off those children.

[Applause]. Here is your pay, city manager, you don't just toss out , you get your deferred top at \$20,000 a year pay, you get your fica, your social security paid. You get an allowance of over \$17,000 for your car and just extra expenditures. You get extra hours. You ago crew 23 hours of personal leave - - accrue 23 hours of personal leave each month after these people have been here for years and get five hours.

[Applause]

>> and you tell us this is equal. No, sir. It is not equal. This is not equitable and this is not fort worth, texas, and enough is enough. Thank you.

[00:12:01]

[Applause]. T the next speaker is elton randall, elton randall. Followed by paul shandlis. So paul, you are on deck.

>> Okay.

>> Good evening mayor, she kind of mad at you, man.

[Laughter] m mad at me?

>> I don't know why, but -- I am not even going to look at you.

[Laughter] but my name is elton randall and I've worked for the city for 13 years. And I've worked for public works. You know, I do asphalt. It is 100 plus degrees out there. The 250 to 275 degrees. We have some guys who have strokes, can't stay up because they have to come to work, but, you know, we are not afraid of hard work.

>> That's right.

>> This is what we do. And, you know, we love this. We do it because we need it. We have to take care of families. But then, you know, we're lost to the city of austin. And I think the city of austin needs to be lost to us.

[Applause]

>> that stability pay is not -- it is not that much. You can find other places to cut money. And I know you can, if you want to.

[Laughter] so I am not going to jump on you. Just -- just take your time and think about it, say, well, is elton out there doing his thing? Is he out there picking up trees -- you know, it is raining out there -- I don't have to go because elton is doing it. But I don't mind doing it. Love me like I love you. Thank you.

[Applause] [cheering]

>> hi, my name is paul chandler, city employee, austin water is where i work, board members, vice president, mayor, also chairman of our people's committees and political activists, i want to sit here and discuss dollars and credibilities, the programs that was implemented to us. I think it was an excellent program and i think there is a lot of money that can be saved and if we use this program more often and take these city employees ideals and implement them into our budgets, taking the money that these people have tried to save you with their ideals, will be a part of us giving to you and y'all giving us -- to us back, because we are willing to do whatever it takes to help solve this on the budget and work with you. I will give you an example. I work at hornsby bend, the home of the dillet dirt u we develop a million cow byck feet of methane a day, methane is is not being used, it is being turned over into co2 so it goes in the atmosphere, for six years that have been trying to come up with new equipment and technology to moderate generators to put back on the grid or use it for our facility to make a slash a sludge with our dill low dirt. It has taken six years, it is still on the table and still being talked about but yet it was put into the dollars and cents. The man who put it in there, y'all gave a receipt back to -- of who was accepted, it didn't come back to the receipt, I only not exactly sure of what happened to screening for dollars and cents but I know there has been ideals out there and I systemming you look rat the budget and implement your dollars and cents into your new '09-10 budget to put some of this money into the budget that these people are savings. The other thing that i want to say that carol forgot and there is no way I can follow that act but she says the city's salary was \$353,380, none of us make any kind of money. We dream of that, the lottery is as close as >> i want to thank you for your time. I know you work hard an are diligent and are dedicated to the city. We are, too, and I want you to know we are dedicated.

[00:17:46]

[Applause]

>> I started to work for the city of austin in 1984 and I have been through the tough times and through the rough times. I have been through it all and I have seen it all and I have been through many councilmembers and many mayors, but I just want to say thank you, i think you are one of the best grounds we've ever had and I want to say help us out, too. Thank you.

>> Mayor leffingwell: mr. St st out?

>> [Inaudible]

[applause] next speaker will be brian rodgers. Following brian will be ron booth, bue or bu.

>> Thank you, mayor and council. I wanted to just talk briefly about something. You know, most of my friends -- over half of my friends probably make \$15 an hour or less. I love all my friends, but, you know, when the property taxes are going up, their home appraisals are going up, their electric bills are up, water bills are up, road drainage is up, and the trash fees are up. So when I read about the water -- austin water utility wanting to increase their bill from \$63 to \$67 the first year, then it goes 4 1/2% per year, after that it reaches close to \$80. So that's like \$17 and at the end of five years you multiply that by 12 -- well, \$17 a month, comes up to about \$204 a year by the fifth year. So \$204 divided by \$15 an hour or less take home really means these people have to stand on their feet for another two days a year in order to pay for this increase. So, you know, whether these folks are my friends who paint houses or, you know, wait tables or clerks in retail centers, they -- you know, they're going to have to be on their feet an extra two days a year. And I think it's just not fair when we have -- you know, there's other things stacked against them. It has to be with the -- basically we're beating up on the poor and the middle class. We know that middle class housing is valued at 100% of the market. They pay 100% of their tax while the high-end homes and the commercial property owners pay only, you know, 60 to 75%. The texas association of appraisal district said high end residential is only 67% of market. The low to middle range market is 98%. So it's regressive and punitive to our low-paid citizens. So one way that you can make this equitable is you give this a homestead exemption for low and mid-range houses. I think that would come a long way into giving some equity. You know, with this budget, wages are stagnant and dropping, and I just think that it's too much for people, and this budget here is just -- you know, it sort of pains me to see it. There's money available out there. You know, within accounting there's the sources of funds and the use of funds, and so far as the sources of funds, you know, with all the underappraisal of properties, I don't think anybody at the city has exactly assigned anybody to do some forensic audits of where their money comes from at the appraisal district. You know, I have -- many of you have seen my booklet here on a study, but, you know, there's the building out at the -- on the domain, 5 is not even on the tax records. It's worth \$16 million. It's sitting on 133 acres, and we're not picking up any money for it. Thank you.

[00:22:53]

[Applause] thank you. John biew. John biew is not here. Timmy buoy? Timmy buoy and vera gibbons is donating time to you. Is vera here?

>> I signed up to speak. Should be. well, you have three minutes, because she's not here. Oh, she is. You'd rather speak? Okay.

>> My name is timmy buoy and I am a board member of the austin roads with community development corporation. I'm -- on behalf of arcdc i would like to inform the council that the arcdc board members consisting of communities members in parks and rec stuff would increase for the millennium youth and entertainment complex within the austin rex, 2009-2010 budget. However the budget was not included and the austin parks and recs budget that was submitted and we feel this needs to be reevaluated. The arcdc board members voted to for the increase in budget for three reasons. First of all, the nyec, millennium, has not received any increase in budget for ten years and major equipment upgrades and repairs are needed to keep the millennium running and bring in revenue. Secondly, an expensive focus group study conducted by park earlier this year, the results was the community wanted a recreational center that was up-to-date and functional. The finally the community's request for an updated facility and the lack of increasing financial support in the last ten years, we are here now faced with a long overdue increasing budget to stay profitable and functional. The millennium youth entertainment complex is to provide a safe environment, free from drugs, crime and violence, where families enjoy a wide range of affordable recreational activity and attractions. The arcdc and east austin community feel strongly that the budget for millennium can be met and we would greatly appreciate if the council can reconsider the need for the increase in budget. Thank you, mayor and council. thank you. Vera gibbons?

[00:25:18]

[Applause] would you come on up? And if jeff cantoff. Jeff kantoff will be next. If jeff kantoff is not here, janet gills -- or giles will be next after that. mayor, mayor pro tem and council, good evening. My name is vera gibbons ann aim a board member of the austin rosewood community development corporation, and I'm here to talk about the millennium youth entertainment complex. I'd like to share with you the community focus group report. One of the first questions asked by the focus group -- to the focus group was, has the millennium youth entertainment complex carried out its mission and does it provide a safe environment for the youth of austin? The mission of the millennium youth complex is to provide a safe, secur comfortable environment, free from drugs, free from gangs, free from crime and violence, where families can enjoy a wide range of affordable, high-quality recreational and entertainment activities and attractions. The response of the participants were consistent in each group, indicating that the millennium youth complex has fulfilled its mission, as evident by the participants' views. It has fulfilled its mission by providing a safe haven for the youth of austin. The fact that there has been no evidence of major disruptions is evident of a safe and secure facility and environment. It is a good community resource for young people to hang out, gather with their friends and -- in a place where parents know that their children are safe. The participants expressed a sense that the facility belonged to the

community, and they felt a bonding with the mission and the programs of the millennium center. It is viewed as part of the fabric of the community and essential to providing activities for young people. Overall the participants indicate that the facility is safe, it is free from drugs, free from gangs, crime and violence, and it is secure and comfortable. Many comments were made about the cleanliness of the facility. Therefore, I am here to ask you to reconsider the par proposed budget because it did not include the increased request by the austin rosewood community development corporation board. And I know you have your hands full, but I would really like to see this happen because for ten years no funds have been provided. Thank you.

[00:28:41]

[Applause] thank you. Jeff kantoff? Jeff kantoff? Janet gill or gilles? Alejandro -- after alejandro will be sara frost. That's vera gibbons has already signed off. We can mark her off.

>> My name is alejandro, I'm a director from diamond texas where statewide citizen based environment lab organization. Currently we're working to conserve water, water conservation campaign to save water from lake travis and I'm sure you know we are suffering from one of the worst droughts in 100 years. Spring flow, lake levels have fallen to alarming levels and because of that swimming in barton springs is in jeopardy. The drought is exacerbated by population growth and climate change, but still we here in austin use more water per capita than people in houston, san antonio and el paso, and that is unacceptable. Now, we -- if we want to preserve something beautiful, what we have here, we have to get serious about water conservation so asking the water to increase the water conservation by one-third and to say no to the water plant no. 4.

[Applause] we've been counting on this issue all summer long talking to austinites about this. We've got over \$40,000, talked to over 20,000 people. Canvassing, it may not be as hard as laying asphalt. I'm pretty sure it's not, but it's hard work, and in the process -- we did it because we really care about the cost deeply and in the process we found thousands who also cared. We collected over 3,000 petitions, asking you to increase the funding for water conservation. So we're asking you, please don't let these people down. Increase funding for water conservation by at least one-third and say no to spending over half of a billion dollars on a water treatment plant that -- which -- yeah, just -- yeah. So thank you very much for the time, and we'll be delivering the petitions to you and just actually we'll deliver them right now. So we'll have a copy for each one of you guys. And thank you for listening ...

[00:31:29]

[Applause] next speaker sarah frost. Sarah -- are you sarah frost?

>> I am.

>> Mayor leffingwell: okay. All right. Paul robbins is next.

>> Good evening, mayor and council. I'm sarah faust. I'm representing myself and I serve on the water

and wastewater commission. I just wanted to talk to you really briefly about the proposed water rate increase. We're talking about on the 7% increase, over the next five years it gets to 32% increase, and overall we're looking at about 185 to \$200 over five years. I heard the testimony earlier tonight and I've listened all day and I know you guys are facing so many hard choices right now and I appreciate what you're going through. I just want you to consider that everyone is hurting. Brian Rodgers talks about waiters and all kinds of service people. A lot of people in retail I know cut hours and cut jobs, and I just don't think that now is the time to ask people to pay this much more for a basic life requirement like our potable water. I think we can cut -- make the rate increase a little bit lower and still have funding for water conservation and some of our other infrastructure plans. So just please keep in mind 7%, but it's projected to keep going up and it's not at all in perspective to our historic rate increases. It's a much greater increase over the next five years than what we've seen. So let's start with this year and cut it back to something that's more reasonable and palatable for everyone in our community. Thanks. You sure look a lot like Sarah Baker to me.

[Applause]

>> You can call me Sarah Baker Faust if that helps. Paul Robbins. Shawnda Sancine? Three minutes, Paul.

>> She couldn't attend because she had to go home and work tomorrow. I'm Paul Robbins. I'm an environmental activist and consumer advocate. I am here to ask for a citizen [indiscernible] on water treatment plant no. 4. I am reminding you that the city charter of the city of Austin requires you to do this. Article 7 chapter 11 states all revenue bonds issued by the city shall first be authorized by a majority of the qualified electors voting at an election held for this purpose. By some counts there are a majority of council members that have committed to this. Council members Spelman and Riley have run on it in their campaigns. Council member Morrison has supported it during discussions on this issue. If I am not mistaken it had an oh at an environmental forum in April council member Cole committed to it. Council members, you are deliberating on whether to build a half billion dollar project during a recession. It will raise rates for people that can't afford it. If you honestly think that the positive elements of this project outweigh the costs, you should have the courage to take this to the public. Since referendums can't be organized immediately, starting now we'd let you get -- would let you get this on the ballot in a timely manner. I'll have more at the next hearing. Thank you. Yes, council member Cole, you have this puzzled look on your face. I do recall during the question and answer period on the subject that you committed to having a referendum on this.

[00:35:53]

>> Mayor Leffingwell: Mr. Robbins, I would remind you that the voters have already voted on this plan.

>> Sir, the way the city charter reads, you have to vote on the money, not the plant. The money has been voted on too. Next speaker is --

>> the money has not voted on. The \$508 million has not been voted on. suzanna almanza.

[Applause]

>> mayor, before I get started, a point of order, I'd like to know, we 30 this morning and I saw people who 30, and i would just like to know how it is that people who registered first are being the last ones, if you could just explain that to me before I start.

>> Mayor leffingwell: ms. Al al manza, if I could explain it to you I would. I get the list in an order here and that's the way -- i call the names out with the one exception that I made for the asmi people who agreed to reduce their total time and that was approved by the council.

>> I'm not talking about that. Because I understand that.

>> I think what she's asking, mayor, is about the actual agenda item order and how did these three get put in this particular -- is that what you're asking about?

>> Yes, sir. We sign up -- this is agenda item 67 and I'm not -- well, it was always published on the agenda for time certain of 6:00 p.m.

>> Yes, I understand that, but what I'm saying is when we came to sign up for that particular item, you know, we were at the beginning of the list, and then people came after us. I was here when people 30 and 8:23. Those people got to speak before I did, if I'm signed up at 9:30.

>> Mayor leffingwell: ms. Al al manza, I don't know, we'll look into what happened --

>> I would appreciate that, mayor. but we need to start your time.

>> Go ahead and start my time, someone is donating his three minutes. I'm suzanna al mans and a I'm with podero and I'm here to talk about one of the economic exchanges issues which is justice. As we all know in 1928 the city passed a master plan which meant the relocation of people of color east of ih-35 and also all the unwanted industries, which brings us fast-forward to where we are here, with the peer casting facility that uses and emits toxic chemicals, across the street from the elementary school and in an residential area, we would like to propose that you use part of that \$55 million of affordable housing bond money to purchase the site and to build affordable housing and using such groups as habitat for humanity or the guadalupe neighborhood development corporation to build this affordable housing. You are now proposing and there will be coming before you the possible use of \$700,000 of affordable housing bond money to buy down on ten condos in northwest austin, and here is a community where you could use that money to purchase this site and do affordable housing in east austin of people who have been neglected for such a long time and been exposed to hazardous chemicals. 2 is build more affordable housing. Haas has a very large need for affordable rentals. In 2008 renters earning less than \$20,000 per year, which meant 44,700 renters, had just 7,150 affordable units in the city from which to use. To buy the potential owners must earn at least 50,000 before one-third of the attached units and

just 16% of the detached units become affordable. So what we're saying is the next step, the city of austin owns hundreds of properties throughout the city, which can -- which were required through -- acquired through various means and these properties could be made available for affordable housing. The city council donated at \$1 to the different groups such as habitat for humanity. The city of austin should require high levels of on-site affordable housing in priority transit corridors where density

[00:40:35]

[indiscernible] are appropriate. 3 priority is reverse industrialization in east austin. Relocate over 300 grandfathered industrial services priorities that are negatively impacting the area of residents, and we also advocate for the conservation of parkland and non-traditional areas, including the colorado river east of longhorn dam, and this is one of the issues that equal exchange is supporting along with other issues, and we too ask you to look at conservation instead of using in these economic hard times of building another water treatment plant. Thank you.

[Applause] and suzanna, I have an explanation for your question earl -- earlier question, because the list was formatted into people for, people against and people neutral, and i apologize because that should not have been done. They should have been listed in the order signed up for this type of public hearing. Thank you for bringing it to my attention.

>> Thank you. next speaker is carlie dixon. Carlie dixon. Kedron, duval. You have three minutes and robin is next. welcome welcom e.

>> Good evening, council and mayor. My name is kedro, revel. I was also a member of the eco exchange forum we had last month and I'm here to speak on the sustainable transportation section of our document. Our primary goal in sustainable transportation section was to reduce vehicle miles traveled. Reducing vmt's pays off in various ways, including the environment, the quality of life and also the economy. To that end we put forth a broad agenda that we'd like to see city leadership on. The first couple items were campo and capital metro items so they're not really related to the budget but basically we'd like to see leadership on creating a light rail starter line, bringing momentum back to that process that we lost momentum on. We'd like to see -- or -- our elected representatives stop roads over the aquifer fer that contribute to sprawl in hays county. This is going to require a concentrated regional effort but we think the city council leaders and mayor should be on board for providing leadership for that effort. This year's budget for items we have total control on for the city is basically the surface roads and the bicycle and pedestrian network. We would like to see the city council place a greater emphasis on bicycle and pedestrian programs, as a great way and a very cheap way to reduce the vehicle miles traveled throughout the city. Just this past may over 300 people came into city hall in support of the bicycle master plan. We had a great time. We sang songs. Everybody got along, and three weeks later you-all adopted a plan with the yiewm unanimous vote and we're thankful for that. That was the beginning of the plan, not the culmination. Council needs to put its money where its mouth is and fund in this year's budget and next year's and next year's proposed transportation bond package, we need to fund the project. It's projected to be \$254 million over the next ten years. We'd like to see that happen. The last time we had a bicycle master plan we only got about 40% of it done in a period of over 12

years. Some of the things we'd like to see funded are more infrastructure facilities, such as bike lanes, pedestrian bridges that eliminate barriers, and provide safe and efficient alternative transportation items. We'd like to see a public shower pilot program in city hall or other city buildings, and we'd also like to see public education and bicycle and driver safety. And I'd like to add one personal item is that thanks to council member randi shade and others on the council, we're now putting a greater effort into trying to educate people and try to crack down on the bicycle theft problem. Actually this very event that we're talking about tonight back in june, my bicycle was stolen while i was here in city council, right outside underneath a security camera, and it was stolen right there. you're in good company, kedron. Mayor wynn had his bicycle stolen down in the alley a couple years ago.

[00:45:23]

>> The one you guys gave him? no, that was an older one.

>> Anyway, that's about all I have. I really look forward to working with this new council. I think you have a great council. I'd like to see some investment in these areas. Thank you very much.

[Applause] next speaker, troy waily. After roy is mike sloan. Welcome, roy. You've got three minutes.

>> Howdy, all. My name is roy whaley, and i have the pleasure of serving as the vice chair of the austin sierra club and I'm speaking in that capacity this evening. And I did get a shower before coming over here this evening, thanks to lance armstrong's bike shop where they charge \$1 and you get a nice fat fluffy towel, so i was able to ride my bike there, because it doesn't matter to me. I didn't participate in the bicycle master plan and i support it, but I've got to really harp on the shower thing, because I don't care how many bike lanes you have in austin, texas, if you don't have a way to clean up when you get to the place you're going, there's a chance you may not ride your bike.

[Applause] guarantee you, you won't need to be cleaned up when i get here. And I'm here to talk about jobs. I had a job one time. I don't understand why everyone is so excited about it, but apparently everyone.

[Laughter] is really -- really talking about jobs. So what I see is a great jobs program is let's take that money that we're talking about the overage, because there was a bond election in the '80s for wtp 4, and thank got that's one of those plans that got put on the shelf and forgotten about, because -- shelf and got forgotten about. But let's take the money and put a jobs program into conservation. I would love to know, and i asked someone in council member spelman's office to look into this, and any of you are invited to do so, is there a correlation between major water line leakage and peak day use? Let's take a look at that, because it would be a great jobs program to put people to work at replacing our failing infrastructure, creating conservation jobs that are going to last beyond the construction phase of wtp 4. Get serious about water conservation. This will help spur our economy. One of the things that we -- I also was a participant in the eco forum in sierra club. One of the things that we asked for in our section was to have a sustainability officer that reports directly to the manager, and to give that sustainability officer cross-department authority, and part of the typo that was in the packet that you-all received

earlier today is that should also be 25% of the city budget. Let's look at, line by line, ways that we can take things that we're already doing. I've used the example of our police department has power, and let's take them off the grid and put them on solar. That would be a part of sustainability. Look at it from that perspective. See what we can do that we're already doing in a more sustainable way. Thank you for your time. Adios. thank you, roy.

[00:49:05]

[Applause] and for your information, there is a sustainability officer in the budget for next year. The position is not filled. Mike sloan? Debbie russell? Debbie russell has time donated by jackie goodman. I see jackie in the back there. You have six minutes.

>> Thank you. Sorry to be so'm wearing two hats tonight, all though I don't see them as particularly different. I'm back. Sorry to have -- you have to see me so much today, but to speak to the eco change exchange report, I of course have been very active in the participatory democracy section, and that of course is very relevant throughout the report. Without a transparent government, without a government that is responsive and without a government that is inclusive, we cannot have an efficient government. Decisions being made at the top without input usually result in bad decisions as i mentioned earlier today at citizens communications. Our priorities in this section, just to highlight a few, are reaffirming policies that -- for meaningful public review, participation and input in decision-making processes, and that includes honoring the city charter by requiring a vote to authorize bond expenditure proposals and providing adequate and balanced information so we can adequately vote. Creating an open government task force. This is actually one of three task forces we call for in this section, that will interface with city staff and departments advising council on policies to improve transparency. We see several -- there's been several ideas floated around but generally we want to codefy an overarching directive there for resident involvement in all policy development that contains public significant impact. We don't want to be in every little thing but the ones that really affect us like creating spy centers. That would be very relevant. We also want to increase the respect, a measurable degree of respect and value the input given by citizens that serve on boards and commissions, and also want to see more diversity on those boards representing the broader community. And as many environmental neighborhood activists are frustrated with, and I'm sure council too, we need to clarify some of the ambiguous parts of our land code. The second one, very self-explanatory, we need a city manager to implement a public participation process for future resource management planning. That's actually been mentioned in past resolutions where we've talked about energy, and i don't think that that process has happened yet. Engaging residents on the comprehensive plan. We've gotten off to a great start on that, and it's something I think we should use as a model for further -- for further programs and plans that we enter into. And just to mention again here that the city charter does dictate that water planning be prioritized in a comprehensive plan. So here we feel that it's very important to wait to spend this 849 million until we complete this plan. On the city web site redesign, finally it looks like we're off to, again, a good start, another good start, and here again we would like to see an open government task force or a commission, really actually oversee some of the details of this project, and we've already had some ad hoc committees basically weigh in and we'd like to see that grow into something more formal. And lastly, single member districts. I know we're set to appoint a task force. I think we need to do that soon, and we

need to not undermine the task force by not giving it the directives it needs, the tools it needs in order to complete that job, and I'm sure all of you are aware of that. So as it says at the beginning of the section, this -- this -- this element is very important to creating a sustainability sustain sustainable future, because without input and involvement from our citizens we won't have a sustainable future. It just creates more sustainable government. Also, since today was public safety day and since that's usually where I'm speaking to you all on, I do want to make mention of a few things. We have -- we are debating right now, as I understand it, whether or n we're going to give three new ambulances or any new ambulances to dms, we're debating what type of new units to give to fire, but we're not really asking a lot of questions when it comes to the tools that we so readily hand apd. And I just want to pose an idea here, and I'm not on the public safety commission, although I'd like to be for the three of you left that haven't appointed, but I'd like to bring it there. And I just -- just thinking about the bigger picture where we're talk about the impact that our entities have on the community, a lot of what I see and hear and study about apd is there's a lot of concentration and focus on very small crimes. There's a lot of response to things that aren't particularly crimes. The day we did have machine guns in northeast austin running around, they sent three officers out to check on a call for my friend who was reported as a white man walking down the street with a little black girl, and apparently that was more important than chasing down people with machine guns. So when we're -- when we're under our average -- national average in solving violent crime cases and we're sending our police officers one by one in cars all over town responding together instead of sharing cars and sitting there and looking at -- in wait for the panhandlers to step on to the curb, I think we need to look -- please conclude.

[00:55:52]

>> -- At that before we deny very needed life and death equipment for the other entities. Thank you.

[Applause] next speaker is colin clark. Is pat broadnecks here? Yvonne hansen? Gina sprat? claire McKay? Henry yark? Colin -- none of your people are here. You have three minutes.

>> Well, it is almost 10:00. yes, it is.

>> Good evening, congressional clark with save our springs. I've also been working with the eco change exchange and I hope you'll take the time to go through our priorities department. Briefly for water stewardship on priority one is stop spending on treatment plant 4. Direct austin water utility to use conservation to its most cost-effective level, which we're not currently doing. Use city permitting and infrastructure funding to encourage ecologically and economically sustainable water practices and protect barton springs flows from drought and pollution. Budget on water conservation. Compared to last year's amended '08-09 budget, the proposed '09-2010 budget is 35 equivalents to 25, from 6.9 million to 6.6 million. So the water conservation budget is proposed to go down. We're asking you to increase it. That's coming out of the water utility budget, fortunately, not our city employees' budget. So a one-third increase would be \$2.2 million. What could we do with an 2 million for water cirvation? Why don't we have a pecan street project for water? Let's bring the smartest people in the city and state together and figure out how we can be the most water efficient city in texas.

[Cheering and applause] there's a lot more we can do with conservation and we'll get that -- get that to you before your budget comes up. I want to jump back to the bigger picture of the water utility budget. It's almost so big it might be hard to get your heads around, but their five-year spending plan calls for 4 billion, 856 million on new infrastructure. 61% Of the water utility's five year capital improvement spending plan is for new infrastructure. We're paying for infrastructure for people who aren't here yet. Let's figure out how to make new development pay for itself instead of subsidizing it through increased water rates.

[00:58:42]

[Applause] now, our water rates, we're going to add a fifth tier to the water pricing. That's good, but it should be a lot more than what it's going to be, and instead of raising the rates across the board, raise them at the highest level. Water treatment plant 4 is proposed to eat up \$110 million in the water utility budget out of 440. I was -- I got a chance to talk to greg mazeras today because we have a water utility cost estimate that all of you should have that says \$849 million is the total cost, including debt service. So I asked him and he was kind enough to answer, is this \$500 million including interest? No, it's not. Find out what the interest is. It's over a billion dollars when you add it together. Are you aware of that? Over a billion dollars.

>> Mayor, I can donate my time to -- sylvia benini donates you three more minutes.

>> Thank you, sylvia. So the 849 million, that was based on a construction estimate of 283 million. Now the construction estimate is 500 million. So what's the interest cost on that? Well, it has to be greater than what it was when it was \$220 million less, right? Think about it. You buy a house for \$100,000, you get a back loan for \$100,000, you pay that off, you pay twice as much. So when greg mazeras tells you it's \$500 million, the contractors are getting \$500 million but the rate payers are paying a billion. This is an unnecessary expenditure in our budget for the water utility, \$110 million. What's the general fund gap? 30 Million. I mean, I know these budgets are not the same, but you're struggling to come up with \$30 million of general fund, and the water utilities is asking for 110 million for a treatment plant that we don't need. And we'll get into that, why we don't need it more in the future. The rate impact, according to the city cost estimate, 23%. Again, as you heard from our city employees, they're not happy about being furloughed. Are they going to be happy about paying 23% more for their basic water? We're not talking about raising the rates for water wasters. We're talking about your first 2,000 gallons, paying more. Average homeowner \$200 more a year in water bills, for the average homeowner, to pay for a water treatment plant that doesn't benefit that person. We're paying for -- the water [indiscernible] wants you to spend a billion dollars paying for a water treatment plant we don't need. The only urgency would be so that on hot summer days we can be profligate water wasters. We simply don't need it. You don't need to put it in this year's budget. It can be delayed. Water rate increases for the lower end can be delayed. Water rates for the fifth year can be increased to make water wasters pay more, and that helps the water utilities' revenue. I understand they're concerned about that. Making the water wasters pay more and that makes up for the difference when people overall use less. We can -- if you allocate a third more for water conservation we can do innovative things, we can fix more leaky pipes, we can be more

efficient with our water, and we can save a billion dollars. Thank you.

[Applause]

>> katy, you have six minutes.

>> Thank you.

>> I'm going to -- that's all right. I'm going good to be quick.

>> Your time is gone.

>> Seven subjects in six minutes. Here we go. First of all, thank you for -- for being here, for having the stamina. You all must be tired. I want to offer first something that I think can save some money. The city of philadelphia is saving about two million a year by using car sharing instead of suite services and I think this is an opportunity that the city of austin could pursue as well. Whether or not my little organization austin car share could be the one to fulfill it, I don't care. I want to see money spent wisely, fewer vehicles on the road, vehicle miles traveled is really important. Second of all, I want to echo the call for a pecan -- first of all, support for the pecan street project in whatever ways that you can, the parallel innovative approach to water like the pecan street project for water. I look forward to the forum on september 17th where we'll be able to hopefully look for solutions in ways that water conservation money could be spent wisely. I thank to want marc ott and the rest of you for your support about the chief sustainability officer. I think it is a step in the right direction. Having someone who is -- who is constantly looking at how everything in the city is run, how that impacts sustainability certainly we hope in the future it could be more than one person, but in these tight budget times I really commend you for moving in that direct. Then in response to the eco change exchange. I'm going to try to cover. People who had to leave, three topics haven't been covered yet. One of them is food, my area. I'm going to touch on the ones with budget implications. First of all to be able to support and incentivize and support private yard and community gardens, water and zig got installation for community gardens, I don't know if you all know we have less than 20 community gardens in austin, some cities our size have more than 200. We need to make it easier for people to grow more food which helps with affordability as well. Provide water rebate for residents who replace turf grass with organic or chemical free gardens. Provide developer incentives to build community garden spaces in both commercial and residential development plans and also provide the incentives to support local farms, ie transfer of development rights or offer tax rates to preserve valuable agricultural land as we march eastward we need to preserve so we are not having everything shipped in from far, far away. Also want to within pard budget sure there is sufficient money to support community gardens and park. We need to make sure the money there is to make it happen. Implement purchasing guidelines, this has to do with supporting local food economy and -- and using the city's purchasing power to support local food. Implement purchasing guidelines that give preference to vendors who would supply local and and/or organic food, concession centers at zilker park, or convention center or wherever you have power over food budgets. Developing one or more permanent food marketplaces and giving local food manufacturing promotional and incubator support. We have a lot of innovative food makers in town, I think we ask grow that section of our economy even

more. Work to provide economically stable and dependable distribution channels for locally produced foods through institutional purchases. This would also mean whether the city purchases or if you have any influences with school district or other institutional purchasing, i think that this has the power to support or local food economy. Initiate policy for city-wide conferencing operation. To rescue food and organic waste from the landfill. This would cost money but i think would have multiple benefits. Karlie was going to cover -- if I can find that one -- well, expand the multi-family and business recycling ordinance to all residences, businesses and institutions within the next year. And make sure that both ordinances include a compliance system. Rebate home composting, this is a line item in the solid waste budget. And require a short tutorial competence test to get the rebate to alleviate concerns about the associated annoyance. Also funding of the master composer program and allocate funding for public private program for commercial and residential curb side compost pickup and providing within the year. Some of the sections of this, these were compiled by different people, but some have specific date deadlines or suggestions and budget implications. The other one that got skipped because someone had to leave was energy. You guys have heard energy stuff at all different forums I'm sure. But just want to, you know, re-emphasize that the cheapest energy is energy that we don't use, so -- so efficiency programs are the best investment of dollars and renewable energy certainly over coal would be -- lignite type would be the priority. We would like to see austin energy reallocate it's proposed fossil fuel investments into higher priorities and because those present the single largest opportunity to save money. .. let me make sure that I have covered all of my other things, that was it

[buzzer sounding]

>> very good timing.

>> Thank you.

>> [Applause]

>> Mayor Leffingwell: Stuart hirsch.

>> After stuart will be neil carmon. And then lebrano almanza.

>> Thank you, mayor, members of the council. I have the suzanna problem, 00 this morning, too, and signed up I guess in the wrong check mark.

>> Mayor Leffingwell: My apologies.

>> My name is stuart hirsch, I'm a retired city employee. Like my austinites I rent. Like all of you, I care about public safety, housing affordable housingability and access for people with disabilities. Like you, I also care for my former colleagues who provide important services that make sure that these community goals actually happen. With these goals in mind, i recommend that you adopt the proposed city budget with some modifications. Many of which will not cost you a dime. First, spend the revenue you generate for building permits and inspections on these functions. Case law requires you to do so.

Cities get in trouble when they using building permit revenue to balance their general fund. I say that as your former deputy building official. Retain six vacant building inspection positions and fund these vacant positions for half the fiscal year. Since it takes about a year to train a new inspector, i know you talked about that yesterday. And inspectors of the people -- are the people who enforce accessibility, visitability, building safety and zoning requirements, if construction activity increases. If the amount of revenue continues to exceed the cost of delivering these services, there should be no negative budget impact. Third, require city reviewers to assume fast track review of smart housing applications and volume builder applications that are not subject to McMANSION STANDARDS. This needs to be included as a performance measure. There should be no budget impact if you direct the staff to put these priority applications on the top of the review pe each day. Fourth, require affordability impact statements on proposed ordinances. This is the law. A key word search of the city clerk's link show that 252 assessments of impact on housing affordability have been presented prior to last november and none have been presented to you since, including the item that you took up earlier this evening. There should be no budget impact in resuming compliance with austin city code requirements. And, fifth, and most importantly, do not furlough line employees, we went THROUGH THIS IN THE 80s. You are not planning to furlough first responder, police, first and e.m.s. It is fair, it is reasonable to not furlough other line service providers and besides that, the non-first responders tend to live in town and spend their money here and the first responders tend not to. So just even if the fairness issue isn't compelling, the economic benefit issue is. Let's learn from our last comparable budget crisis.

[Buzzer sounding] and retain critical services, thank you so much for your time and giving us a chance to speak.

[Applause]

>> Mayor Leffingwell: Thank you, neil carmon. Lebrano -- did you donate your time? They are gone, okay. Linda curtis? Neesler, greg? Ryan rittenhouse? John seeger?

[Applause]

>> good evening, comment, mayor, mayor pro tem. My name is john seeger, I'm a student activist with environment texas, also a concerned citizen of austin. I'm here today to urge you guys to vote down the funding of water treatment plant number 4. Right now, central texas is suffering from one of the worst droughts this area has seen in 100 years. And lake levels and spring flows have really fallen down to alarming levels. We don't know how long this drought is going to last. There's no way to tell that. So the idea of building another water treatment plant on water sources that are already so low in such bad shape, it's pretty much absurd to me and I think a lot of people here agree with that statement.

[Applause] in my opinion, half a billion dollars, I believe, half a billion dollars that you guys are proposing to spend on water treatment plant number 4 would be much more wisely spent on investing in water conservation programs. Taxpayer dollars should go towards solutions not the promotion of irresponsible behavior. And I think some of those city workers might actually enjoy a little bit of that, too. So please I again urge you to think of future generations and the reputation of austin before making a

decision on that, thank you [applause]

>> Mayor Leffingwell: Next speaker is richard casares, melissa cabrilla, john seeger again, just spoke. Kathy -- she's already spoken, donated time. Anna lang? Anna lang? Juan [indiscernible]? Juan three minutes. Next is steve harris.

>>>

>> good evening, councilmembers, while my friend over there is looking for my powerpoint, my name is juan [indiscernible] with the mac advisory board, it's my pleasure to serve as your appointment, mayor. If we can go back to the previous comments that were made about the mac, I want to echo those comments and continue that conversation and try to tie it up for you. We pride ourselves as a city of diversity and the mac is a big part of that discussion. I wanted to remind you that cultural arts was a major focus of the recent hispanic quality of life initiative. And if there was one common thread running throughout that session it would be that the mac and -- was highly supported and everyone looked forward to its growth. And educational programs. If I could share a few statistics with you. And by the way, I've e-mailed these supporting materials to you, so you should have these. I have a -- I have a bar graph representing classes that have been offered for youth at the mac. Also adult classes that have been offered at the mac combined with the events that were designed for adults. And I've got them cut into two fiscal years, fiscal year 2008 and the current fiscal year, 2009. And that's on the next slide. There we go. Front row is youth. These be the number of classes that have been offered for youth on the front row. The back row is the combined adult classes and events that took place -- took part in at the mac. In the current fiscal year, for youth, for example, in the classes, that's expected to -- to surpass last year's number of classes at 294. It's expected to be 338, which will surpass last year's level and so will the level for the -- for the adult classes combined with the events. Now the next slide, this is probably the most telling -- most telling slide for this presentation. And, again, on front row you have youth and these are actual participants in the youth programs at the mac. 2008 On the left side and 2009 and this is current up to the end of july. On the back row is the adult participants that have participated in classes, adult classes and events, which are largely attended by adults at the mac. Again, there's an up ward trend from both -- both from year to year from 2008 to 2009 and this -- like i said, these are current to the design because there's going to be an increase in all of these [buzzer sounding] so just to tie it up, councilmembers, we understand that what's been going on with the city budget and the economy and nobody could have foreseen the downturn. But we really need your help to identify a way to invest es because we have problems and the problems that we have in that building and it's going to be ready in january and we don't have staff to execute the programs. In that building. Thank you very much, councilmembers.

>> Mayor Leffingwell: Thank you.

[Applause] the next speaker is steve harris. Then I believe you are the last one on the list, but since bill showed up, bill, you would be after steve.

>> Thank you for the opportunity to speak. As regards to the -- to the water situation, I really ask y'all to

think a few times about -- about flushing a billion dollars. Yes, it makes sense to treat water out of lake travis, ship it 20 or 50 miles to be -- does it make sense to treat water out of lake travis to ship it 20 or 50-miles to flush toilets, to water lawns. Is it a good model in this day and time when we are seeing the lakes at 40% of their traditional volume? I think that given this situation, perhaps we ought to look again at the decisions like closing the greewater treatment plant because for the 70 million i understand that we got from selling this prime waterfront land to a developer, this is, I think, a -- a situation where we are looking at spending \$17 million in interest, we're saving 17 million in interest a year by every year that we can delay building water treatment plant 4. So I think keeping the old plant open would have been a way to -- to save us a lot of money. Now, conservation is mething that we've heard a lot about as a way to -- to defer that first phase of water treatment plant 4. I think that conventionnal thinking would say that's an iffy thing whereas the plant is certain. I would respectfully disagree with that. I think if you try to match demands and supply, you can always ration water to achieve -- to achieve the need. And the traditional way to ration a scarce commodity in a market economy is to -- is by price. If as we're hearing the rates for everyone will go up 23%, by having water treatment plant 4 come online, I would suggest that what we need is a new rate structure that allows a low base level rate for people, a basic rate, to cover basic needs. And then as people use more, they pay more, up to 23% above the base. Because that's the real cost of bringing this thing online. Actually, the cost may be greater. So I just ask you to consider these points that -- that before we step very far down the water treatment plant 4 route, that we really look at some of the dilemmas this poses for us. I think it would be fiscally responsible and environmentally responsible

[buzzer sounding] to defer action at this time. Thank you.

[Applause]

>> Martinez: Thank you, steve. bunch, you have three minutes.

>> Thank you, bill bunch, the save our springs alliance, I appreciate you letting me back in since i was out briefly. I would just first urge you to think about adopting a sustainability rule for debt. If we're going to -- if we're going to be here at the beginning of the 21st century looking at climate change, peak oil, massive recession, if not depression that's probably going to last for a good long while, and we're going to ask future voters, future councilmembers and our children to pay for something, then that item should move us towards sustainability. So if we're going to borrow money to replace leaky pipes, that should be a good thing. If we're going to borrow money to -- to expand our reclaimed water system, that would fit the rule. But to borrow half a billion dollars for a plant that -- that even your staff has to admit we would only really need, you know, five percent of the year, maybe 10% of the year, and only in really dry years and then only for totally discretionary water use, that's wasteful. Purely waste. We're going to ask our children and our future voters and our councilmembers to be saddled with that debt. That doesn't make any sense to me. If you look at transportation, it should be the same thing. Borrow money if it's going to reduce vehicle miles traveled. Reduce our reliance on -- on fossil fuels, foreign fuels, et cetera. But don't borrow another penny for small roads that encourage greater driving and more consumption of fossil fuels. On the water issue specifically, I know folks want to go both directions at the same time. That really doesn't make any sense. If you look at your staff's track record, they are not doing that. They are

systematically, year after year, underspending the conservation budget. That's undermining, that's not saving money, that's losing money. That's undermining your own t to this plant, we're going to have to feed the beast. And every incentive for being an efficient, conservation minded sustainable city is going to go out the window. That is budget reality. What could we do with that 500 million? We could save barton springs for a fraction of that much money. But yet we have to kick and scratch every few years to get, you know, 10 or 20 or 50 million. Towards that goal. I just think we really need to think about this [buzzer sounding] a little more seriously, I hope that you will. Thank you.

[Applause]

>> Martinez: Thank you, bill. Is karlie dixon here? Karlie signed up -- that's the last person signed up. Is there anyone that would like to give testimony on the budget? Luke, welcome. Please state your name, you will have three minutes.

>> Thank you, mayor pro tem. Councilmembers, city manager. My name is luke

[indiscernible] the director of environment texas for a state-wide citizens advocacy group. I also wanted to speak about water conservation. Austinites are extremely proud of our reputation as being one of the greenest cities in america. But when it comes to water conservation, we have a ways to go. Despite some recent progress, we still use about 26% more water per capita than the state of texas recommends and about 30% more water than the city of san antonio currently uses. And this despite the fact that we are in the midst of an incredible drought when we need to be making further strides to reduce our wasteful behavior. There are simple things that you can do in this budget session to start to change that trend. The -- many of you endorsed an increase of at least one third of the budget for water conservation, that would be a good step. In general we need to have aggressive plans to reduce our water usage. Utilities plan over the next decade is still -- puts us far, far above what the state of texas recommends. We can do a lot better than that. There are a lot of great programs that we could implement to really cut our water usage. Definitely encourage you to make that -- make that big increase in water conservation, set a goal that we can be proud of to become the most water efficient city in texas and as others said, you know, we need a pecan street project for the water facility rather than energy facility is looking at how do we, you know, decentralize and distribute our electric sources, the water utility is looking at building another giant water treatment plant. We need to move in a different direction. We know our water supplies in the future are only going to be more insecure, we need to redouble our efforts on that. I definitely urge you to increase the budget for water conservation and again we think that the council will allow us to delay by five, 10, maybe 20 years the need for a new water treatment plant. We don't need to invest in that right now. I urge you to -- to postpone the decision on that and focus our energies on water conservation. Thank you.

[Applause]

>> Mayor Leffingwell: Thank you. We have a number of other folks signed up not wishing to speak. On the budget. They are signed up against it. .. Try to figure out how to interpret that.

[Laughter] .. no one else wishing to speak. The city council will continue to receive public comment on the proposed budget on august 20th and AUGUST 27th, 2009. And will vote to adopt the budget for fiscal year 2009-2010 at the budget meeting at city hall on monday, september 14, tuesday september 15th and wednesday september 16th of 2009. I will entertain a motion to recess tonight's public comment period of the budget hearing. Moved by the mayor pro tem. Seconded by councilmember spelman. All in favor say aye.

>> Aye.

>> Vote is 6-0 with councilmember cole off the dais. So we will go now to the remaining items all related to water treatment plant 4 the first item is item no. 36. And I'll turn it over to councilmember riley.

>> I just want to say a few words about this, we did do water conservation efforts, a task force got together to look at what we could be doing. It was fairly successful. They came out with strategies to aim towards the goal of reducing our peak day water use by 1% a year for 10 years. What we have been hearing lately and seeing in some of our analysis and looking at san antonio and other cities is that we can do more. And that it would be cost effective and environmentally responsible to do everything that we can to do more. In particular I want to outline a few things to give you an idea of the things that -- the sorts of things that I would expect a task force on waft water conservation would be looking at. Top of the list is water reclaim nation. 1% of budget for the water utility. But not very much. We know that we don't have as many employees focused on water conservation as san antonio does. We know that we have underused capacity within our water reclamation system already. We know there's more that we can do. I think the water utility is interesting in doing more. I was very grateful recently when I brought something to the utility's attention about practices in san marcos using reclaimed water on their construction projects, the city was very receptive, I think we will start expanding our efforts to put reclaimed water to use for efforts like that. I think this task force could help guide us in that. There are some limits to how effective water reclamation can be. It is a matter of transporting water from the wastewater plants down in southeast austin towards distant locations, so there are other things that we could do that might be more efficient. In particular gray water offers some opportunities for water savings and instead of hauling water up from the wastewater treatment plants, we could take water from the showers and sinks and direct them into our toilets and our yards. Reuse water right on site that is not potable, but suitable for uses in -- in -- such as irrigation and toilets and things like that. There's some opportunities there. The utility has acknowledged that there are other cities that are making doing more on gray water than we are. I think they have indicated that they are currently reviewing programs in other cities and a report is forthcoming, I would hope that report could be provided to this task force, we could talk about things that we can do with gray water. There's also a lot more that we could do on public relations with respect to encouraging people about water conservation and educating them. We talked a lot about that during the water conservation task force previously. We talked about hiring firms that advise us on things we could be doing better to reach out to the public. Right now our -- there was a report the other day that the austin energy spends 50% than our water utility does. I think we could step up our efforts and make some real progress there. Again the task force could help us with that. Finally, on compliance and enforcement, we've heard a lot of concerns from citizens about the city could be doing more to -- to try to enforce current watering restrictions. We have over the past six months even

though we've had about almost 2600 wastewater reports, we haven't -- we've had no citations, no fines, even though there have been 53 repeat offenders, we have been issuing warnings, 69 in the past six months, but we could look at whether we ought to be stepping up our enforcement efforts. On all of these things, I think there is real potential for making further progress on water conservation. So the resolution before us today would direct that the -- that the citizens water conservation implementation task force, which is already existing, could get to work on putting together another round of recommendations on water conservation to work with representatives from the resource management commission, environmental board, the water and wastewater commission, who -- all of whom expressed interest in this effort to come up with a new line of recommendations that can take us to the next level. To figure out those additional steps that we could be doing in all of those areas, any others, that would help us rise to our city's expectations -- city's expectations about using water responsibly. So I very much appreciate all of the interest that we've heard in water conservation, especially appreciate the folks who have been serving on this task force and expressed willingness to work harder over the next few months to come up with some additional recommendations. I know that they will be interested in hearing input from folks who have been expressing interest here and in e-mails and letters to the council and others about water conservation. I hope that we can take all of that energy and interest and channel it towards a policy document that will help guide us towards the kind of water savings that we would all like to see. So that's -- that was the intent of the resolution and I look forward to the work that this task force can do. Thanks, mayor.

[Applause] we do have several people signed up wishing to speak on this item. The first Ross Smith. Signed up in favor.

>> Thank you mayor and council for putting this one first. I sent you an idea last week endorsing the idea of dual metering both residential and commercial. The next day I got a letter from the water department laying out their fees for adding a second meter on your property. From what I have learned from this, their concept of what this is for is new service for a new use on your property whether it's a new business or a garage apartment. Anything that requires a new tap off the water main. Well, that's not the only reason to do it. It's not the only way to do it. This is the \$10 model. Their version can cost up to \$18,000. This costs \$10 at the hardware store plus a plumber's fee to install it. You have a line in, your original line in from the water main, this one goes to your outdoor service with the water meter, this one goes to indoor service with the water meter. The goal isn't to provide new service, to provide information to existing customers more information than they get now on how they use their water. Just as with electricity, the water information is the starting point for conservation. So -- so as best I can tell, this whole concept is not of -- of dual metering for the purpose of providing more information to customers, so that they can use their water more wisely, doing it this way, is not even on the radar at the water department. So I would ask you to put this on the agenda for the water conservation task force. The whole concept of dual metering. I think that you will find two things. One is that use will go down when people realize how they are using their water. Three things actually. You will also find that it makes it easier for you all to set water rates. Appropriately. Both for indoor and outdoor use and you will also find that wastewater averaging is no longer needed because you will note if you implement this city-wide, you will know exactly how much water is going outdoors, how much it's going into houses and down into the sewer. You won't have to do that at all anymore. So please, please put this on the agenda

for the conservation task force thank you.

>> Mayor Leffingwell: Mr. Smith, I would comment

[applause] original water conservation task force we did talk about separate meters for irrigation and it certainly is something that's been on our radar screen all this time. The only reason we didn't adopt it is obviously encourage it, we didn't want to make it mandatory because of cost to the individual homeowners.

>> I think if you will look at the second page, the chart that's on there, the diagram on the left side is the water department's system for installing a second meter. The diagram on the right side is how you put a second meter on an existing service. Frankly the cost is quite cheap, maybe 200 bucks tops.

>> Mayor Leffingwell: We will certainly take a look smith, it's a good idea. I think it would be a good thing.

>> Thank you.

>> Mayor Leffingwell: Next speaker is bill bunch. Is clare mcca in the room? Or henry ewert? bunch, you have three minutes.

>> Thank you, mayor, councilmembers. I definitely want to support more aggressive attention to water conservation. I haven't seen the current draft of the resolution. And I'm not even sure I saw an earlier draft, it. But I would want to encourage you to at least think about putting in there some specific goals. I think that's a policy directive that the staff and the task force needs. I attended a lot of these task force meetings over the last year or so. And just to be a little bit blunt about it, they pretty much didn't go anywhere. The staff blocked every effort of the task force to make some progress and I think that -- that where we're missing is that when you adopted the one percent per year reduction goal off of peak for 10 years, the staff took that as both a floor and a ceiling. That they weren't supposed to do any better than that. We had asked you at that time to adopt at least the minimum recommended conservation goals set out in the Texas state water plan and in our regional water plan. Which would call for all ties to move expenditure shows towards -- expeditiously towards 140-gallons per person per day or less. That was a compromise goal that was adopted by the task force, interim study committee that included industry, everybody, in reality we can do better than that. Instead this is what your staff is doing. This is a page from the June 15th, SLIDE IT OUT JUST A Little bit. See the bottom. June 15th draft of our proposed five year conservation plan. They are saying at the top line highlighted in 2009 we 5 gpcd, gallons per capita per day. In five years they want to go to 166.8. But then the second five years basically zero improvement, you know, 2/10thS, YOU CAN'T EVEN Measure that, that's ridiculous. Could you flip that over? By comparison, this is a chart, yeah, you are going to have to look at it sideways, there we go. This is saws conservation goals to get to 116-gallons per person per day within 10 years, starting at 136. So they are already way down there much lower than us and they want to squeeze another 20 gallons per person per day within 10 years. This is a while back, so they are actually wanting to get there by 2016, not 2019. And that last line, maintain quality of life in the region. They have made it

crystal clear that they are not in the -- even in the slightest way going to discourage the economic development.

[Buzzer sounding] in fact they are going to encourage it by showing how innovative they are and how much money they are saving their ratepayers by being serious about conservation. So I hope that you will look at giving a goal that's specific to the task force.

[Applause]

>> next speaker is kay andrews. Kay andrews. Next speaker is john seeger. John seeger? And donating time to him is merv neisler. Okay. None of those folks are here. Those are all of the speakers that I have signed up wishing to speak on this item. So I will entertain a motion on this item. Item 36. I will refresh, see if it picked it up. Go ahead and speak, steve.

>> In addition to having the task force, I would hope studying the rate structures carefully like I mentioned earlier and see how appropriate charges for water can -- can produce a more efficient use. One specific technique that I think has a lot of promise that I was asked -- that i would ask y'all to look at. By the way, this is a great resolution, I really appreciate y'all bringing this up and I hope you take favorably action towards it. One thing that I think would help is really looking at integrating storm water with -- with beneficial use. If we required rainwater harvesting or incentivized it heavily on new construction, there's already a lot of sump costs for controlling runoff. Any developer has to install flood water detention ponds and in many cases water quality control ponds. Those same ponds that the sludge water that is a nuisance could be cleaned up enough for a variety of beneficial uses, including lawn and landscape watering. You get a triple benefit. You get less flooding downstream, you get better water quality and you get more water conservation. I think it would be a powerful technique to -- to grow, as we grow our city, to make sure that -- that we can start to use our water more efficiently closer to where it falls, actually falls, using it beneficially and then not doing the inefficient trick of treating it to a drinking water standard, shipping it all over town and then wasting it on lawns, thank you.

>> Mayor Leffingwell: Thank you, roy, you are not signed up, but go ahead, you have three minutes, we will try to get you signed up later.

>> I really appreciate that.

>> Mayor Leffingwell: It is very complex technical challenge out there. I noticed that.

>> It can't -- there's this thing that you have to push around and then click. Confusing. My name is roy wail len still speaking as a representative of the austin sierra club this evening. I would like to express our appreciation for bringing this up and just mention that as a child -- when i WAS A CHILD IN THE 50s AND 60s, PARTICULARLY THE 60s, BOY, THE SPACE RACE A Huge thing to me, I was going to be one of the first teenagers on the moon. I thought that I was going to be going along with them in '69. Didn't happen. Didn't work out. But the reason we did go there is because someone set bold goals. And that's what we need to do here. Please let the task force be free to come up with all sorts of ideas. Don't

put any sort of limitations on them. Let them come up with bold ideas. In fact instruct them to come up with bold ideas. A huge part of the reason that austin energy has been so successful with our renewables, and anticipate greater success, is because the city set out specific goals that we have to reach. It's mandatory that they reach these goals. Make it a council driven initiative that we have to reach certain conservation goals. And I think we'll be really surprised by the results that we get there and I'm going to let you get on to your next item now. Thank you very much for your time.

>> Mayor Leffingwell: Thank you. I believe that is all of the speakers that are signed up. So I will entertain a motion on the item 36.

>> Councilmember riley moves approval of item 36. Seconded by the mayor pro tem, any further discussion? All in favor say aye.

>> Mayor?

>> Well, mayor pro tem.

>> I just wanted to quick -- we have a fiscal impact note on this and it was projected that it might take a few employees depending on the recommendations, as a friendly amendment I would like to add that if there is going to be an impact to the budget and we are going to have to hire extra employees based on the recommendations, that the council come back and be presented to council before that decision is made.

>> Mayor Leffingwell: Friendly amendment. Councilmember, do you accept that?

>> Sure.

>> You are the second. You obviously accept it as well. Okay. We have a motion on the table. Seconded with the friendly amendment to -- if finals shows an impact of 's to have to be hired to implement this policy, which actually already exists, all in favor say aye.

>> Aye.

>> Any opposed? That passes on a unanimous vote.

[Applause] next council will take up items five and six together. And -- and without objection I would like to limit testimony, public input to 30 minute per side on this item. Hearing no objection, that's the way that we will proceed. So -- so greg, if you could briefly introduce items five and six then we will go to public comment.

>> Thank you mayor and council. Item 5 is the hiring of a firm to perform construction manager at risk preconstruction phase services. For water treatment plant 4. That's the -- that's the integration of the construction manager into the design team so that they can understand the design, understand design

intent, suggest improvement for constructability and reducing costs and analyze the best packaging for construction. And quality control. There's no just related services with this phase of the project, this would be really for a professional related services. Any construction phased services would come back in an amendment to council, likely in the winter or spring, the sond item, item 6 is a construction project to widen and add lanes to bullock hollow road in order to support construction traffic during construction and earth moving work of the plant as well as the water pump station. Again this is physical construction. Contains pipe work, pipe relocations, beyond construction plant provided obviously improvements to traffic flow long after the plant was in service. That's the two items today.

>> Mayor Leffingwell: Thank you.

>> So we will go first to --

>> Spelman: Mayor, I would like to ask a question, if i could. With regard to these two items, anticipation of your coming forward in the winter or the spring with another contract to actually start turning dirt, start construction of water treatment plant 4 is that correct?

>> The way it would sequence, besides me there would be two other smaller construction projects yet this fall for earth moving work, storm water detention ponds and then the major plant packages would come out in later winter or early spring, the first those would come out. If we do stay on schedule similar to bullock hollow, there would be earth moving work, kind of preplant construction yet this fall.

>> Spelman: Let me ask you a hypothetical question. I think that you may fin unpleasant. Let us presume a majority of the council in its wisdom in the winter or spring decided not to begin construction of water treatment plant 4 immediately and decided to wait a year or two. Hypothetical question. If we were to do that would the work that we were doing on bullock hollow road still be useful if we decided to pick up construction a year or two or three years later.

>> Those road improvements would endure many years into the future.

>> How about the design work the construction manager at risk for producing this contract, would that still be valuable.

>> Yes, that would have a -- that would have a shelf life of several years.

>> Spelman: Okay. Should we decide to vote yes on items 5 and 6, that is not necessarily a decision in favor of immediate construction of water treatment plant 4.

>> Correct. You are not at the point of no return.

>> Spelman: Thank you.

>> Councilmember morrison?

>> Morrison: I do want to ask one question. About the timing. Of item no. 5. You all have already answered this in the memo to think, I think it would be helpful for the public to hear this. The question was how would water treatment plant 4 critical path be changed if 5 were postponed until august 20th.

>> Crime.

>> Improve it with adjunctability. Delaying this, depends on the delay, would have the effect of -- of potentially reducing the value of the preconstruction phase services, however it would -- it would not delay the overall schedule of the plant, you know, provided the delay was -- was not -- was not for a long period of time.

>> So -- here what you had written to me is a two week delay would not substantially compromise a plant schedule but you mentioned that it would add a little benefit to have it to -- to -- starting two weeks earlier just because of what it adds to the design.

>> The design happens every day, the sooner we could get them involved the better value that we could get for this contract.

>> Morrison: Okay. But not significant. Is what I'm gathering.

>> Not -- if you are --

[multiple voices]

>> delay.

>> No.

>> Okay. Thank you.

>> Mayor Leffingwell: Council, without objection, we will go with -- we will start with those opposed to the plan. Or opposed to items 5 and 6 and in the absence of a game plan here, I'm willing to work with you on your time limit of 30 minute. In the absence of that, I'm just going to go down the line and start with the first speaker until we reach the 30 minute limit. First speaker is robins. Donating time to paul is shonda, are you in the room? Thomas davis? Jackie goodman, she was here, okay. Kathy retsin. Paul, you will have six minutes.

>> I won't need it all.

>> Okay.

>> I'm paul robins, an environmental active just and consumer advocate. Let me dispel some confusion that occurred an hour or so ago, there was an election held in 1984 to funds water treatment plant number 4. By my memory this was for approximately \$141 million. The current cost of water treatment plant 4 is estimated at \$508 million. Much of the original money has already been spent according to the city charter. Money for projects is what is authorized, not projects per se. So according to the city charter, new funding would need to be authorized. On another matter, I want you to -- I want to relate a historical episode on voter approval. You all might find this interesting or colorful. Back in 1984, the city council violated the city charter and pastonds with the south texas nuclear project without voter approval. The council felt at the time that -- that they were in a no-win situation. They would not pay for the nuke and cash because it would raise rates exorbitantly, they would not take it to the voter because they thought the public would not vote for them. It was a very unpopular project. After the council took this stark action, about two dozen anti-nuclear activists met in someone's living room. Figure out an emergency response and during this meeting someone suggested that our group hint to the city government that -- that there would be repercussions that there would be a recall campaign. And I remember someone saying to the room, who do we know that's -- that's

[indiscernible] enough and cantankerous enough that we can send to the city attorney's office and send a message who do we want to send to find out about the recall process. We all stared at each other for a minute and a woman in the room said, oh, bill, we have a job for you. That would have been daryl slusher. Oh, daryl, we have a job for you. That would have been daryl slusher, who is now vice-psident of the water utility. Per his assignment, daryl met with the assistant city attorney and got the procedures necessary to launch a recall effort. The information was evenally used for this purpose. I do not recall that slusher played an active role in the campaign. But he did learn the information that started it. Now, 25 years is a long time. And a lot can happen. To change some person's opinions. But -- but you must admit there is an irony here that a person who helps start a recall campaign, because council would not seek voter approval, is now championing a water plant to be paid for without voter approval. That's a history lesson for tonight, council. Thank you.

>> Mayor Leffingwell: Thank you. Are you keeping track of the cumulative time? Down there? Not just the individual time? Next speaker is bill stout. Next is sylvia binini, lauren stanley, colin clark. I think he's gone. Joe carpenter. She's not here. Ray goodrich.

>> Not here.

>> [Indiscernible] magger. Kim magger. Kim is here. clara McCay. Euert, you have six minutes.

>> Before I start, if -- if I -- I appreciate that I'm allowed people to donate me minutes, but we have been here about seven hours, i realize that you have been here longer, I really don't see a need to have some cutoff time for people who have signed up to speak. Apparently since this is two items that you are lumping together.

[One moment please for change in captioners] san antonio is below the state for water, water treatment through conservation, san antonio a billion. We haven't seen any projections on how much money we

do save on the waste waterside blue using less treated water. Austin water discontinued an educational program about educating children with water conservation and we spend money on promotional stuff and we support that but as was noted in the statesman, washington spends a lot more. We're in a drought but we're not in restrictions. San antonio reduced usage this year. Here is a chart a lot of you have seen, up line is the capacity with two current treatment plants, the green line is the trend line. Notice on the 1% saving it is still goes up, and it starts at 240 million-gallons a day. So if you look at this chart and you follow that yellow line, the water utility says when we hit 260 million-gallon as day that's when we need more water on-line. Their own projections show we will not be hey there for 10 years. We took this chart and said what if we started in reality and that is the blue line so even if you assume we use more water than the summer before, we don't get to 260 until literally off the chart. Okay. Since the year 2000, we've added 100,000 people to the system and hot, dry summers you would expect in bigger peak-day use but when we looked at peak-day water use from 2000, the trend is down. Okay, this is the peak day water use from the year 2000. And mayor leffingwell, you've said that right now I believe we have inadequate data compiled over too short of a time period to conclude the water efforts should -- I think you were referring to 2008 but we looked back to 2000, the trend is down but the water utility is telling you the trend is up. They're telling you demand is growing consistent with population but the reality is peak day water use is trending down because of conservation measures and can continue to trend down and you don't need to 6 million now, you don't need to spend it later. They say that the money on the design can be put on the shelf, corolla engineers back in 2000 said they could put 90 million-gallon as day water treatment on green at 20% of the site area for \$120 million, if we have 0 today have capacity we have them. Thank you.

>> Thank you. The next speaker against is bill bunch.

>> How much total time do we have left? I think that is about right, 15 minutes.

>> Thank you, mayor, council members, for your stamina tonight. You know, this is a little bit about, feels a little bit like deja vu but slightly better. It was three years ago month or perhaps last month that council member martinez and council member cole showed up at their first meeting and were told by the water utility it is an emergency, we've got to rush ahead, you have to build on building a treatment plant tonight. Well, we're one meeting better for council member >>spelman: And riley at their second meeting so I guess that is progress but not much. Two weeks would be nice. You know, this is the middle of the simmer, people aren't paying attention. I really thought there weren't going to be any more money questions coming up before the budget, that was my impression, but programs I misunderstood. We're completely supportive of the city manager's goal of being the best managed city in the country tomorrow me that has to start with honest information. He told you the staff is projecting ever upward peak day demands. This is the chart they're using. It is four years old, has not been updated, is grossly misleading because it actually does show the last three summers at peak days. What colin didn't emphasize with the other chart that was accurate, you could pull that back and show that one again, this is our reality. It is flat to declining. Our all-time record peak day was in august of 2001. We've been lower ever since. Our highest so far this year 220, last summer was incredibly hot and dry, we were at 219. Unbelievably hotter and drier this summer, we're at 220. We're not going to go much higher. We can flat line for two more decades. That's not a joke. San antonio has done it. I'll just read you very

quickly from intelligent utility magazine. San Antonio's population grew by over 400,000 people in the past two decades with no increase in water pumped. This is saved on the purchase of expensive water supplies and waste water treatment. Delaying these costs for the past two decades has helped make San Antonio more attractive to new industry. You will hear a lot about jobs from the folks coming up in favor of this and economic development. This plant will not put a single extra drop of water in Lake Travis. Building a plant does in the give us water security, it undermines our water security because it invites us to be wasteful for decades into the future, head in the sand, in the face of climate change. All the while, we're at least pretending to be serious about climate change with our climate protection plan. The next sentence of that article reads, San Antonio was able to bring in a Toyota plant and Microsoft data warehousing facility recently due in part to competitive utility rates. Saving --

>> you could pause just a second.

>> That was three minutes.

>> That is three minutes. Is Pat in the room? Carol? Bob Allen? Merg?

>> Tom Hayes is here.

>> Who is in.

>> Tom Hayes.

>> I'll donate my time.

>> You have three more minutes.

>> Okay. Jennifer. You have six more minutes if you would like.

>> Thank you. We can save our rate payers, residential and business literally a billion bucks over the next 20 or 30 years by not building this plant and investing a small fraction of that in conservation. For this immediate year, the budget said 110 million would go into this plan. You could eliminate that, do a one-time increase in the transfer over to the general fund from the water utility of, say, 30 million. Your budget problems are solved and you just saved, you know, \$80 million of a water rate increase. It's really not difficult. It makes too much sense. A few months back you were asked to commit 2 billion to an energy plant under the rubric of conservation and renewable energy. The environment community actually opposed that because we felt like to hadn't been vetted yet sufficiently, that was calling for a significant rate increase to do that. Here we're saying invest in conservation and save money, not cost rate payers more money. Two just don't add up if you start thinking parallel water to energy. We need honest information from the utility. The chart I showed you is simply dishonest. It would be irresponsible to go off of one year's data. Well, we don't have one year's data. You count this summer this chart shows 10 summer peak days. And the last 10, everything this whole century, so it is not inconsistent, it is not one year, it is 10 year trend. And because we're wasting so much, our gpcd is still

so high, we know there is so much more yet to save and that just like san antonio, there is no reason we can't accommodate another 300, 400, 500,000 people into this community not slow down growth one eye out that and in fact, -- iota, and in fact, you, because the water is cheaper, because you're showing you're being innovative, creative, well-managed, well governed, you're actually more attractive to industry. I really don't understand the chamber of commerce getting behind this boondoggle. There is a reason this plan was approved in '84 and never got built. Because time and again when we got up to the precipice people woke up and realized it made no sense. Drilling those tunnels through bedrock for miles and miles is just enormously costly for the amount of water we're getting. When we go -- if we go through planning process, we're very like three find a much cheaper additional increase, if and when we finally get there. So the idea that, you know, it is okay to keep spending money on plans that will dust off in a few years, I think is unfounded. You have corolla, the water treatment plant engineer themselves saying we can rebuild green, almost double its capacity for a quarter of the money, \$122 million. There is several other options worth looking at. Finally, I would say we do not have an environmental study of this plant and the transmission mains. They tried to hide it in the answers to council member shade's questions, but you shouldn't be -- have already decided you're building this plant, designing this plant when you haven't figured out yet that you can build those transmission tunnels under the head waters of bull creek without completely destroying the hydrology of the bull creek head water springs which are the habitat for the not yet but the plateau sal hander. If you're going to keep spending money on this project, focus on answering the question can we build these transmission mains without unacceptable environmental damage, without a significant risk of essentially ruining the bull creek head water springs. So if you insist on spending more money on the plant, let's do the study first. Because otherwise you've already determined that that study is not going to be honest and that it is simply going to be choosing the lesser of evils rather than actually evaluating whether we can do this safely. Thank you.

[Applause] I will comment on the comment you made about the one-time transfer from the utility to the general fund. We actually asked that question, ran the numbers, and if we did that we run the risk of a bond downgrade which could result in an additional cost of \$150 million a year to the city for seven years. So I didn't personally judge that to be very feasible option. The next speaker is frank diaz. James rios. Sara rindon. Yolanda james. Nellie pina. Diana bermudes. Roy waley. Three minutes roy, unless you have somebody to donate to you.

>> No, I won't need that, thank you. I appreciate it. Once again, speaking as vice chair of the sierra club and saying that we -- I agree with everything that the two previous speakers said. We don't have enough information, I think that we can do more with conservation and i look at it and remember when we had to have it on the hood waters of bull creek, and if we didn't move forward right away that we were going is to be far behind schedule that we would never be able to catch up. And I don't have the numbers, i don't have the figures on how much that cost on the work that we did at bull creek but we through a lot of money into that and walked away from, it tried to put it at cartania site and then finally decided we weren't going to kill the last of the endangered species there and wound up at its present location. The point is we spent a lot of money and we may find out if we really look at this that conservation is going to work a lot better than is projected, and particularly with the budget being what it is now, why go out and spend a lot more money that we're just going to walk away from we've already done that. The figures are unknown to me. Programs you all know them -- perhaps you all know them, i

don't, but I know we don't need to be spending money now when we could find out later we don't need this that there is a better way to spend this money. The trends are going down, I agree with the information that Colin presented. And quite frankly, I'm tired of hearing about what San Antonio is doing and I'll bet you all are too. I want to have San Antonio start talking about what Austin is doing. I want all the cities across Texas to start talking about what Austin is doing.

[Applause] and not just Texas, the whole country. I want us to be the leader and do you that by setting, as I said earlier this evening, bold goals. We set those goals and you don't -- I mean, I've compared it recently with getting the big bag of candy after Halloween and telling the kids you can only have four pieces a day. But they're going but we've got all this candy, I don't understand why we have to ration ourselves on this and they sneak some extra pieces and the grown ups do too and before you know it we're out of candy and you've got an empty candy bowl. We've got an empty lake throughout right now. We've got to find a way to get serious about conservation. I would think that the chamber would look at that time as a good thing to say we've got a steady, reliable source of water because we have taken the actions necessary through conservation, rather than to say we can treat all sorts of water now, however we don't have the resource itself. We don't have the water. Thank you for your time. I appreciate it.

>> Mayor Leffingwell: thank you. David Foster.

>> I was worried there for a while I wasn't going to be able to speak. I appreciate the opportunity. I'm state director for Clean Water Action and I want to thank you for the recent progress you've made in water conservation, and particularly you, Mayor who took the time to set up the water conservation task force which succeeded beyond anyone's expectation. And thank you for Council member Riley. And I'm here to speak in opposition to any additional funding. The council has a have its cake and eat it attitude on the issues. You think you can go ahead and spend \$800 million on a new water treatment plant that I think available evidence shows we do not need. Certainly not now. While at the same time, taking additional water conservation steps. It is going to take several years before this plant comes on-line and you will hand off the keys to the spigot to a future city council that may not be as green as you are and may not be able to resist the temptation to open that spigot more wide to sell more water and see that as the easy way out rather than implementing water saving steps, and a future city council may want to sell more water to pay off the debt this is going to cost, an \$800 million treatment plant. I don't think the cake and eat it too approach is going to be successful. I don't think you should shy away from the success of your own -- the success of your own recent measures. Understand how successful you've been and appreciate how successful you could be with additional water conservation steps. I have Clean Water Action members, we've been canvassing neighborhoods for several months, talking with our members, your constituents about water conservation and the future water situation and we find they've been very responsive to our concerns. I believe the success of your water conservation programs demonstrated people in this town understand the need to conserve water. Tonight I gave an award to an apartment developer because of their energy efficiency and a spokesperson for the energy utility said we are a world class energy utility and we are, and he also said, our programs would not be successful without the participation and support of the citizens of Austin, Texas. In fact, I think those same citizens will support you on water conservation if you are bold enough to provide them the opportunity and I think the tremendous response we've had in our canvassing on this issue proves that point. Thank you

very much for your time and I look forward to working with you in the months to come on this issue.

>> Thank you, david.

>> Mayor, can I ask david a quick question. council member cole.

>> You refer to the have your cake and eat it to philosophy and in a very basic level i understand that our staff has one group of projections and the bill and colin have another group of projections, but help me understand what is wrong with having an aggressive conservation policy and proceeding forward with having an adequate water supply.

>> I think you immediate proceeding forward with building a treatment plant.

>> Yes, building a treatment plant.

>> If is a question of resources which are limited and where are you going prioritize the resources. We should be front loading water conservations and at a minimum postpone spending additional money on this treatment plant until we give water conservation measure as chance to succeed. The steps you took two years ago have succeeded better than you thought they would. Does that make sense?

>> I served on the water conservation task force.

>> Thank you for that. but I want to understand now, you're saying it is how we spend our resources.

>> Absolutely. And they're more limited now than they were two years ago. Thank you.

[Applause] how are we doing on cumulative time? One minute. Okay, the next person on my list is connie ripley. One minute. Okay, next is brian rogers for one minute.

>> I observed clever manipulation but clear and faulty numbers. If you look at the david water treatment plant, you have a corrosion and these affluent valves that are severely leaking. What the plant boosters want to tell you, is this is davis treatment plant, it is melting, we need a new one. Look, I'm an engineer, I've been through hundreds of boiler rooms, air hand letterler rooms and chiller rooms and I see negligence on the mart of maintenance to the point of somebody should be basically fired because this is inexcusable. This equipment should be sand blasted, coated with galvanized paint, this is either -- I mean, I can't believe this is what davis looks like. Is that my minute?

>> That's your minute.

[Applause]

>> thank you. Now we have 30 minutes total for those signed up for items 5 and 6. And the first person

signed up is erika esteder. Did I say that right?

>> Good evening mayor, council member, city manager. My name is erika esteder and I'm the executive director of the austin asian american chamber of commerce. I'm here tonight to speak in support and moving forward with the construction of water treatment plant for an urge your approval of items 5 and 6 on your agenda. The asian-american chamber, like all chambers, focus their mission on serving their members by advocating, supporting or helping create economic opportunities that will generate jobs, stimulate economic activity, and ultimately encourage growth for individual firms as well as the community as whole. We believe the construction of this water treatment plant will generate the type of economic activity that will have widespread benefit throughout all of our local economy. With recent increases in the unemployment rate for the austin area, it is important that we pursue all possible opportunities to generate job creation, sustain economic activity, as well as increase confidence in the viability of our community in general. This is the type of project that positively impacts every type of firm from small food vendor enterprises to large construction-related firms, employing hundreds of individuals. Each cannots back it our -- cannots contributes back to our economy with increased purchasing power in the austin area. Courage and projected growth patterns answered our question to whether this treatment plant is necessary. People and businesses will come to austin. For instance, we're assisting the california company now in making austin a home for one of their facilities. Moving forward with water treatment plant four helps us address the needs of those businesses we invite to consider austin as their home, as well as those families who come on their own. We are confident that your capable staff will serve as good stewards of the values you have set in place, as it relates to our environment, diverse participation in economic opportunities, worker safety, and financial accountability. Therefore, I urge you to approve this item and move forward in helping austin benefit from this economic shot in the arm. Thank you for your work on behalf of the entire community. Good night.

>>Mayor leffingwell: thank you. And on the timer, I will just pause it and we'll just keep the running total that way. And that way, we won't have to try to add it all up. Thank you. And the next speaker for is harry savio. Is harry here?

>> Good evening, mayor and council. I'm executive vp for the homebuilders association of greater austin. I'm here tonight to four your support on item 5, 6 and 56 or water treatment number four. The city has worked in the past on developing water conservation measures and we will continue to work with you on the future. Council member cole, we know that particularly because we saw the measures the city adopted as being extremely aggressive and we oppose them at some point but have now put our shoulders to the wheel, but that is why we think them aggressive and more importantly we think you've already captured the low-hanging fruit. We continue to go on and do other things, we have a very aggressive green building education program right now called the green roots education program that our hba has only been able to do with the support and assistance much austin energy, however we strongly believe the water conservation alone not going to meet all of our future needs as your staff has projected. If the city of austin ever runs out of electricity, you have the option of buying electricity off the grid for the short-term. But what if we run out of water. There is no back up supply if we run out and too many of our members remember when we ran out 6 sewage capacity and we were literally trucking sewage across town to have it treated. That is why starts aggregate the first phase of water treatment

plant number four is critical before we face water shortages. You only have to go a few miles north and south to see what happens to communities that run out of water. As far as the local economy is concerned, there is never a better time for a construction project. Austin needs jobs and the economic stimulus that comes with them but the rate payers need the savings breaks that come with constructing when the costs are low. City staff estimates there is a 28% savings of actual construction costs of phase one if we start soon. As rate payer, it saves on pump and that requires electricity. So, I've just paused you here because that is your three minutes, and if anyone else wants to donate time to Mr. Savio, he can continue.

>> You are able to capture that electrical capacity savings, are you really left with a choice of an electrical plant or water plant. Thank you.

>> Thank you. The next speaker is Michael Warner, another original member of the water conservation task force. -- Task force. Mayor and council, I will be brief. I had the honor of serving as chair for five years and as the mayor indicated I was honored to also serve on the water conservation task force. I'm coming before you tonight to tell you that both sides are actually correct. The people that oppose the treatment plant were correct in the sense we do need more aggressive water conservation and I urge all of you to consider that in your future deliberations but I have to also say we can do both, we can have an aggressive water conservation policy but also look forward with making sure that we have enough water for the future. I sat on the commission for nine years and I'm well aware of the fact that we are projecting to run out of water at some point and I'm a life-long resident of Austin and I remember back in the '80s when people had the attitude here that if you made it difficult to live here, people would not move here and you can tell by the traffic that that is not the case. And so I think it is reckless to not move forward with the treatment plant and to ensure that we have water in the future. We can do both, ladies and gentlemen, we really can, and I'm here to answer any questions that any of the members may have.

>> Mayor Leffingwell: thank you.

>> Thank you, sir. Next speaker for is Kathy Hornaday. She apparently is not here. Sandra Baldrige

>> Mayor, council, city manager, I would like to say good night.

[Laughter] I'm not going to make any comments pro or con at the moment because I've heard a lot of statistics but I am going to ask you some questions that I think we need to consider. I've been watching the radar on the weather bug for the past three or four months. San Antonio gets a whole lot more rain water than we do. So I think when you compare the average metered usage of water in Houston, you have to consider they get Gulf fronts that move water into the city so you don't have to pump it, it comes from the sky. San Antonio may very well be the same I'm curious as to whether or not if we had a December disaster and one of the two water treatment plants went down, could we still meet the needs of the city even if we did not do landscape watering. Number three, the city's policy has been to push development to the east out the 130 corridor. My understanding is that water treatment plant number four is to supply the 183 out to 130 corridor for water. If we don't put this plant in, how are we going to

supply water to the desired development zone? Hard costs. Yes, right now they are cheaper and I suggest we take advantage of that. Landscape watering, well, I kind of have my own philosophy on that. Seems that grasslands fill term a lot of the impurities out of our water system and that water ends up in the aquifer. We have weeds, we have grasses, all of that fill terms the water, it -- filters the water and it percolates now but my big issue now is if we don't water or grass, that means we don't water or trees and we have enough problems with oak wilt and dying trees if we lose the green canopy over this city we will have an electrical nightmare trying to provide a/c in this community in the summertime when we don't have a canopy for shades. Thank you very much >> mayor leffingwell: thank you. Next speaker for is felix. Hank smith. It is only a question. I have no more speakers wishing to speak for, so -- I'm sorry but the time is up. We used our 30 minutes. So council, that is all the speakers so the floor is open for discussion or motion. Mayor pro tem. thanks, mayor, it has been a long day and I appreciate the folks that stayed here so long and I apologize it took so long to get to this point but there has been some good testimony, some good questions asked. There is a lot of information to gather as we move forward but as staff presented earlier, a vote in the affirmative for these two items is not the point of no return if we continue to dig, drill down into the information and determine if we truly need to put a delay or can delay construction of the plant, this is just some site preparation, some design, and I think all of us are still continuing this community conversation about whether or not it is truly needed on the time frame that we are scheduled to be on right now. So with all the information and testimony, I'm going to make a motion we adopt items 5 and 6.

>> Second.

>> Motion by the mayor pro tem, second by council member cole. I'll just say that you know, I think I'm the oak person that was -- only person that was on council when this whole odyssey began several years ago when we were talking about building two water treatment plants, not one, by 2015, and that was actually the incentive to begin the water conservation task force to change that dynamic from constructing two plants by 2015 to only one, at that time it was by 2013 or 2014, I have forgotten. It has been a long struggle. I believe we need this plant for environmental reasons. I believe it will reduce energy consumption. I believe that in turn will reduce greenhouse gas emissions. I believe it is economical to build a plant now because construction costs are down by 25 to 30%. I believe that if we don't build this plant, we will have to build several new pumping stations, which also will consume energy to serve the areas that were just discussed, the desired development zone between 183 and SH-30. I believe we need the system redundancy this plan will provide us so we will be able to take Davis down for periods of time to make necessary upgrades. Those plants are 55 and 40 years old, respectively, they need to be modernized, they need to be brought up-to-date. And, if our water conservation is even more successful beyond our wildest dreams, I would believe it would be much more environmentally friendly and much more efficient to have water treatment plant four up there generating 50 million-gallons a day and reduce output from Davis or Ulrig or perhaps have the option of eliminating one of those plants over time if we can do that with our conservation efforts -- if we can do that with our conservation efforts. Time will tell. The other advantage is it is built to be phased. We can build the official 50 million-gallons a day to save energy, reduce greenhouse gas emissions, and if our water conservation measures are very successful over time we will be able to delay subsequent expansion, subsequent phases. And I very much hope that is the case, actually. But I believe we need this plant,

we need to get started, so I'm going to support the motion. Council member spellman.

>> I wonder fingerprint mayor pro tem would accept -- I wonder if the mayor pro tem with accept a friendly amendment to approve item 6 but postpone action on item 5 for two weeks until the next meeting on august 20. That will give us some -- as mentioned a few minutes ago, it will not have a substantial effect on the value of that construction manager's contract and will give all of us a little bit of time to resolve whatever the rather substantial differences between the information we've been getsing from the environment communette and the information from the austin austin water utility.

>> I don't consider that friendly. I don't see the impact either way. If we vote for it tonight, it still allows us to gather further information so I won't accept it as a friendly amendment.

>> Well in that case, mayor, i would like to offer it as an amendment to the motion.

>> Council member spelman has an amendment to disapprove or postpone item number six which is the construction --

>> item number 5.

>> Okay, number 5. Second by council member morrison. Further discussion? Okay.

>> I appreciate you making that motion because I do believe that one of the frustrating things is we have these dualing graphs and we really haven't had the opportunity to get down into the nitty-gritty of the difference in the projections between what staff is providing to us and what the environment folks are showing us to right here and they give very different answers. And recently, I think council member spelman has been developing into some of the numbers. I've been working with the environment defense fund as they've been rolling up their sleeves and delving into some numbers and thing is some very, very valid questions here that could, for me, result in a lot of very helpful information. The question becomes, it'sral lot based on how many years of data it makes it, it takes -- it makes sense to use when we're doing what is called regression analysis project these lines because we're just trying to guess what the peak water usage is going to be in the future. And this analysis that is done, the city has used, I believe the staff has used about 20 years worth of data. The information I got from edf is that the informal standard in the industry is to use five to 10 years worth of data and that is more akin to what we're seeing with the sof data. If you use 10 years 6 data the projection would be 13% less and peak day usage which would allow us to very safely move their projections into the future. But the question becomes, is it really all about population growth and that's part of what we are' grappling with. We're saying hey, we think we can decrease the usage because we have conservation. There is using regression analysis there is a way to measure how much of this variance in the data is being captured by your line and your projections, and if you are actually looking at the data that is 20 years worth of data, it says that really the variance in the data, in the projection in the data this we have, using population, we're only capturing some of it we're not capturing all of it so it is actually say we know that conservation some other forces forces are at work, we know personally it is conservation. If you go to the 10 years instead of 20 year it is show as population is a very minor impact, relatively minor impact

on our peak usage so we know that conservation is having a significant impact on the usage. I would like the time to look into this and have someone that can explain it better than me talk to folks. I think this is what making informed decisions is all about and after, as he said, two weeks is not that much different. I wish that I had been able to get ahold of Allan Plumber's work who did the projections for the city, you know, a year ago but it didn't happen. It was just in the information that came, I guess two weeks ago, from staff. So for me, two weeks of time to study this and get a little more informed would be very, very helpful it would make a difference so that is why, long winded, I apologize for that I know it is late, but I'm prepared to vote nor six because that ising is building a road and we can use the road later.

>> I plan to vote against it, and if the only reason to postpone this decision would be if you really believe that at some point in time we're not going to build this plant at all because it has already been explained, all the items we're addressing tonight and as a matter of fact force a few months to come, have a shelf life that would accommodate a delay, so the only reason to delay tonight would be if you don't -- if you think there is a chance we will never need this plant and I don't believe there is that chance. Council member shade.

>> Thing is probably the biggest item I will vote on so I take it very seriously. I want to say how difficult it is to make an informed decision in this format. I can see where the con flicks are and understand better the assumption and direct response so I've been -- you know, I've asked the city manager and mayor that if we can have an informed debate, town hall meeting style where we really can get some of the answers, because this isn't a community conversation when it is one side for 30 minutes, cut off mid sentence and somebody else, especially when it is done in the wee hours of the night after a full day of what we've already had. They've selected September 17 and I'm under the impression some people in this room are in the process of finding out that date is going to work. I really feel like what I learned most two weeks ago at the briefing was that in my find, I've told many of new this room this, the point of no return is not what we're voting on today but is actually going to be in October when we start to turn the land, and that was an aha moment for me, not to sound like Oprah, but it was, because I had been thinking it was really more like March and we would have for. But sometimes at city hall, time isn't what we need, it is focus so I'm really asking that we have the opportunity to get through this budget that we have a very fruit 68 debate September 17 that will be well in advance, which is part of my request, of when we would have to make the decision in October so I'm going to -- I am willing to support the items on today's agenda and I won't be supporting this postponement request because I don't think much is going to change much in the next two weeks, although during this next two weeks in anticipation of September 17, I am doing a ton of homework and I appreciate very much the fact that Council member Spelman is on the dais and graciously agreed to collect the various data we're getting in a fancy professor-like spread sheet that I will be able to understand aggression analysis better than on my own. I wanted to make that statement publicly so people understand where my perspective is. To me the point of no return vote is in October and I'm willing to support these items and I'm assuming the mayor will confirm September 17 is on its way. I can confirm that.

>> Thank you.

>> Mayor >>mayor leffingwell: Council member coal.

>> I want to address the aspect of not only waiting for two weeks but waiting for a plant later and this water supply issue and what that would mean in light of the fact we're having some budget issues. First of all, the bidding market for heavy construction costs is currently down 25%. And also, inflation is at the lowest rate it's been in 20 years. It is not reasonable in my mind to assume that if we wait a year or two years or five years when we really think we need this plant that it will magically be cheaper at that time. I think that we are a first class city, I think that we can have very much aggressive water conservation, but at the same time have an adequate water supply and I don't think our citizens are asking us to do anything less. And as far as being like san antonio, I think we can be like san antonio in their conservation policies but we will not be like san antonio in our water supply. I will not be supporting the motion and I call the question.

>> Council member cole calls the question on the vote on the amendment. Is there any objection?

>> I have more to say but I can say it on the main motion. say that again, council member.

>> No >>mayor leffingwell, you don't have an objection.

>> I thought you were done, bill. all in favor of the amendment, say aye. All opposed say no. The amendment is defeated on a 4-3 vote. Which brings us to the main motion. The original motion made by the mayor pro tem. We had a second on that. All in favor --

>> mayor. council member spelman.

>> What I said few moments ago is I have more to say but I can say it on the main motion. Now that we're on the main motion, allow me to have a little bit more to say.

>> Sure.

>> I'm in a rare position of having been out geeked. I expect that -- expected I was going to be the uber-geek on this council but I found myself out geeked by council member morrison. That may happen again and frequently.

>> That will happen and I'm honored.

>> You should be, it is something that is very unfamiliar to me. A few moments ago, --

>> you can move over to this side if you need to.

>> She is an accountant. We will start talking about the budget real soon and we will feel real comfort over here. A few moments ago the mayor was suggesting there wasn't a good reason for us to delay making this decision. We may as well make it right now. 4 million reasons for considering delaying this

decision.

[Applause] we are spending during the worse recession in my lifetime, during a period when the unemployment rate in austin, texas has gone higher than it did in the 2001 bust, it looks like it will go higher than the bust of 1987 which will make the worst recession in my lifetime in austin, texas, during that period we're asking for about \$23 million in property taxes and everybody is aware of that, but they're not so aware of but I think they will be soon once sheryl and I start putting a 8 million in service charges, \$2 million or so in transmission surcharges in 6 million in aviation fees, 7 of \$6 million or so in additoto solid waste 8 million in charges at austin water utility. Mostly, a lot of it to pay for our clean water program, which although absolutely necessary expensive. When you add it all up, we're taking a lot of money out 6 people's pockets at the worst possible time in our lifetimes, and that is not counting what travis county is taking out because they will have to raise prompt taxes too. Not counting what the communality college is done at the hospital district is done and what all the independent school districts have. We add it up and the average austin taxpayer and family is going to pay thousands of dollars more every year starting this aggregate this year just because the governments are finding it difficult to make ends meet it seems the worst possible time to be talking about a \$500 million capital expenditure. If we need the water we need the water. If we need the water by 2014, okay, ail grit my teeth and suck it up and pay for this. But I'm not yet persuaded that we're going to need it and until I'm persuaded we need it I would love to save the taxpayer as whole boat load of money over the next 20 years. I appreciate those who would hooting me a few minutes afoe, applauding me, I know you will hoot me gain I will get used to riding this roller coaster. It is perfectly okay I'm actually going back and forth whether to vote for this. I know since we will not be able to delay for two weeks we take a vote ton now and I'm not persuaded we will need to build this water treatment plant but I'm not yet persuaded we don't need it so I will vote for this, despite all the things I said because we will spend that \$5 million at some point. We can put it on a shelf and pull it down again and this is not the make other break decision. That is coming up some time in february or march or october, depend how long talk to and what you died to be a make or break decision but I'm going to vote for this which gritting my teeth and I hope it resolves anvil a lot more certainty as to whether we need this plant or don't need this plan when we finally come to a decision when we decide construct it or not. anything further? Council member riley. ashare a lot 6 the same concerns articulated by council member spelman. This is an unfortunate time to be extracting, to be spending this kind of money on something that is uncertain, but we have been told that these plans do have a shelf life that is correct design is on going already and all this means is that you will have a construction manager involved with, in that design. We still will have another tune opportunity to weigh in on this before we're at a point of no return.

[One moment please for change in captioners]

>> .

>> .

>> Meantime, like council member spelman, eem prepared to go along for now just by way of keeping options open of but I very much hope that we will have a lot more clarity by the team we have to make

final decision, whether october or march.

>> Thank you. Nothing more. All in favor of the motion, say aye. Any opposed. Motion passes on a vote of 6-1 with council member morrison voting no.

>> (Applause)

>> which brings us to one more water treatment plant item, item 56. Mr. guernsey.

>> Good morning, mayor and council. Next zoning case is 01, the canyon ranch etj potted amendment one property low educated at 6708 fm 620 road, a change on the property from hud to pud to change designation for tracks known as area 3 and 4 from residential to major utility facility. The original comanche ranch pud was approved in january 2004 and contains approximately 470 acres. This change would affect approximately 32 and a half acres. The change would take areas in area three that contains residential condos and townhouses and on area 4, 21 single family lots. And declare them to be a major utility facility. The environmental board did recommend this change and so did the zoning and planning commission. I'm pause at this time if you have any questions.

>> Mayor leffingwell: Any questions forsta? We two have some folks signed up to speak. So we'll go first to those in favor poud poudamdment. Paul bury. Michael warner. He was here just a few minutes ago. Kathy horn aday. Phyllis benavidez. Anyone else in favor wishing to speak? We'll grow to those opposed. Bill stout. Allen clark. While he is coming down three people signed up to donate time. Pat broad neck, joe carpenter, ray goodrich goodrich.

>> I would like to donate my time to bill bunch.

>> Mayor leffingwell: All right. By the way, none of those three that I read are in the room. Next speaker is roy whaley with phoebe allen. Is phoebe allen here? Mr. nesler. Roy, you have three minutes.

>> .

>> I feel like it's pointless for me to talk at all. I don't have anything to say at this point.

>> Mayor leffingwell: Thank you.

>> Mayor leffingwell: Thank you. Next speaker bill bunch bunch. Donating tom is colin clark. Tollen is in the room. Tom hays, carol philler phillery. Cory walton. Jackie goodman. bunch, you have nine minutes.

>> With that I'll use it. There are a few moints worth making especially since we went first and didn't get a chance to rebut. I assume our fremforum on the 17th we'll make sure that doesn't play out again. We'll just start with reet rating one of the points I made earlier. You have no assessment that tells you you can drill multiple 10 foot diameter tunnels below the headwaters in the upper stretch of wul creek without running a serious risk of dewater dewatering the springs. Unless you have those questions

answered in a document everybody can review, not doing that basically suggests you really don't care and it's not important to the decision making process. On the money side, once again, we're getting such grossly misleading information. We're told this is the best time, we're going to save so much money if we billed this plant right now. Two years ago staff said it was being fob 350 million. Today they say it's going to cost \$508 million. Where are we saving money. Yes, we had a huge run up in construction cost with the whole financial fiasco sub prime bubble. You take that as a normal construction bidding right? No. Yet the savings they are projecting, assuming we are going to go back to 4-6 percent interest, inflation te. Anybody on this diaz beliefs we are going to have 4-6 percent inflation over the next few years? There's geeks up here, business geeks too. Things like net present value? Discount rate? Deferring for as long as possible, making major infrastructure investments to save money, especially in rough times? This isn't going to produce cleaner water than the plants we have have. It's not giving us a better product. It's not making us more tive. It's not make--tive. It's not making what comes out of our faucet cleaner and healthier for citizens. If it doesn't do any of those things, we should be keeping that money in our ratepayers pockets and postponing this for as long as possible. Exactly like austin energy's policy is for building fossil fuel plants. So let's have an intellect honest debate about this. This is austin. We're not that dumb. Thank you.

>> Mayor leffingwell: Next speaker against is lisa fithian. Cam makinger--magger. I believe that is all the speakers we have signed up for or against. I see steve beers coming forward. Refresh, go ahead and start your three minutes.

>> Thank you, mayor. That old adage, haze makes waste. In our urgency to close the green water treatment plant a block from here, even though it would have been cheaper to rebuild it than to build a brand new plant, even though it's in the right place central where we say we want growth, we decided to do that. Stumbled right out of the gate. When you propose to move green to the roy g gerarro park on the east side. Cut that off, but then prematurely cut off consideration of several other potential places to rebuild green green. In the reaction you lurched towards building on bull creek. You found that site had too many problems. A nonviable location. Lost money in time--and time there. Then you moved quickly. Finally, to buy this site on lake travis. There's a lawsuit out there that I think some of you know about, where there was an appraisal of that land for \$8 million that resulted in some of the parties that formerly owned the site feeling that the value had been misrepresented. And they didn't get their fair share. And the city spent 32 million for that piece of dirt. What I would argue is that money doesn't grow on trees. And I feel that the un unhaste here on what will be a billion dollar boon doingel will not be a good legacy for the leffingw leffingwell council. Anyone else wishing to speak for or against? Those are all the speakers of the floor is open for discussion or motion on item 56. Council member shade.

>> I'll say again to bill's point, I want the honest debate. That is exactly why we are calling what we are calling for. Think it's essential that we have that. Save your comments. We will have another opportunity for this. Roy, I can't believe we rendered you speechless speechless.

>> Mayor leffingwell: Anymore comment? Anymore discussion? A motion to approve item 56.

>> Mayor, I move approval to adopt staff recommendation.

>> Mayor leffingwell: Council member cole meaves to aitem 56 on all three reading and close the public hearing. Is there a second? I'll second. So anymore discussion? All in favor of the motion say aye.

>> Aye.

>> Any opposed. Motion passes on a vote of 7-0. According to my screen, there are no more items on our agenda. City clerk? Without objection, we're adjourned at 12: 12:13 A.m. ,

End of Council Session Closed Caption Log